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ABSTRACT

This instructional guide focuses on legal careers, a part of the Business Services and Technology Program developed by the Michigan Department of Education Office of Career and Technical Education. It provides a variety of curriculum materials for teaching about the occupations of legal office specialist and legal assistant. The legal office specialist materials are divided into three parts. Part one outlines 24 tasks for 4 units and lists student assignments from 4 textbooks. Part two is a practicum that provides a variety of self-contained exercises with answer keys, using forms and materials found in Michigan law offices. This part is divided into three legal specialties--litigation, estate planning and probate, and real estate. Part three includes Internet exercises with answer keys for each task. The legal assistant materials are organized in two parts. Part one outlines 39 tasks for 10 units and lists student assignments from legal assistant textbooks. Part two includes Internet exercises with answer keys. Contains 44 references. (KC)

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Business Services and Technology

Legal Careers

Instructional Guide

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CURRICULUM MATERIALS
FOR THE
LEGAL CAREERS COMPONENT

A SUPPLEMENT TO THE
BUSINESS SERVICES & TECHNOLOGY PROGRAM

Funded by

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PREFACE

This book is a complement to the *Legal Careers Component Supplement* that is a part of the Business Services & Technology Program developed by the Michigan Department of Education Office of Career & Technical Education.

There are two job titles in the legal area that have been incorporated into this publication: the Legal Office Specialist and the Legal Assistant. This booklet provides a variety of curriculum materials for both of these job titles.

This publication is divided into two sections. Section one includes curriculum materials for the tasks outlined in the Legal Office Specialist job title. Section two includes curriculum materials for the tasks detailed in the Legal Assistant job title.

The Legal Office Specialist materials are further broken down into three parts:

- Part one includes materials that correspond to textbooks that can be used by instructors interested in offering the Legal Office Specialist curriculum.

- Part two provides a variety of self-contained exercises utilizing forms and materials found in Michigan law offices. This portion is also broken down into three legal specialties: litigation, estate planning/probate and real estate. The three legal specialties that were chosen represent practice areas common to a general law practice.

- Part three includes Internet exercises for each task.

Parts two and three also contain a separate instructor component and answer key.

All three parts can be used independently or as a complement to each other depending on the needs of the student and the teacher.

Section two provides materials for the Legal Assistant job title. It is broken down into two parts. Part one includes exercises that correspond to textbooks in the legal assistant field; part two includes Internet materials.

These materials are very specific to the Legal Office Specialist and the Legal Assistant job titles. Instructors looking for resources that provide an overview of legal careers should consider the text *Careers in the Law* by Charles P. Nemeth. This book is suitable for a secondary classroom and it includes several practicum exercises offered over 23 hours of coursework.

Also worthy of mention is the book *Michigan Law for Everyone* by Sherry Wells. Parts of the Wells text are referenced in the Legal Assistant portion of this manual. The Wells book together with *Careers in the Law* will provide students with an excellent overview of legal careers.

Lastly, many of you are aware there are a number of legal assistant programs in Michigan at both the community college and four-year-college/university level. Instructors may want to contact specific institutions to inquire whether an articulation agreement might be possible for students completing the legal assistant modules. Names of the American Bar Association (ABA) approved programs in Michigan are also included in the Appendix. Copies of these materials have been sent to the directors at each of these programs outlining the BST program and the legal careers modules in the event of an inquiry.

ACKNOWLEDGMENTS

The Michigan Department of Education appreciates the time spent by the team reviewing the level of knowledge and skills needed for entry, retention and advancement in Business Education throughout the State; determining the goals and philosophy for Business Services and Technology; and recommending areas that require development and/or updating. There are many teachers, teacher educators, administrators, and business and industry persons who have contributed long hours in developing this supplement to the Business and Services Technology Program.

Recognition and appreciation are also extended to the contributors working on the project.

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A special recognition goes to Joyce Smith for her work on Part 1 of the Legal Office Specialist materials, to Valerie Banas for her work on Part 2 of the Legal Office Specialist exercises, to Barbara Allender and Diane Buckley for their work on Part 1 of the Legal Assistant modules, and to Konnie Kustron for her work on the Internet materials.

Also, to the Institute of Continuing Legal Education located in Ann Arbor, Michigan for their permission to use the "Will" and "General Durable Power of Attorney Effective Upon Execution" forms from their book *Michigan Will Drafting*.

Lastly, a special thanks to James B. Nelson, a partner with the law firm of Murphy & Nelson in Ypsilanti, Michigan for his review of the materials contributed by Valerie Banas.

TABLE OF CONTENTS

SECTION ONE

Legal Office Specialist 2-152

Part 1:
- Textbook Materials 3-14

Part 2:
- Law Office Practicum 15-126
  - Real Estate 16-35
  - Estate Planning/Probate 36-58
  - Litigation 59-72
  - Answer Key to Real Estate 73-87
  - Answer Key to Estate Planning/Probate 88-107
  - Answer Key to Litigation 108-126

Part 3:
- Internet 127-152
  - Student Modules 128-145
  - Answer Key to Student Modules 146-152

SECTION TWO

Legal Assistant 153-195

Part 1
- Textbook Materials 154-170

Part 2
- Internet 171-195
  - Student Modules 172-187
  - Answer Key to Student Modules 188-195

Bibliography 196-199

Appendix 200-201

PART I
SECTION 1

LEGAL OFFICE SPECIALIST

UNIT A: LEGAL TERMINOLOGY

1. Define legal terms
2. Identify use of legal forms and documents
3. Use legal reference materials
4. Customize boiler plate files

UNIT B: LEGAL DOCUMENT PROCESSING

5. Key a final document from a draft
6. Edit legal document
7. Complete legal documents and forms
8. Key document from transcription equipment
9. Compose final transmittal and response letters

UNIT C: LEGAL OFFICE PROCEDURES

10. Maintain client files
11. Identify legal constraints regarding confidentiality
12. Identify personal traits critical to legal secretary
13. Make daily bank deposits
14. Document lawyer consultant and court hours
15. Bill legal fees
16. Schedule appointments
17. Keep an office and court calendar
18. Keep legal reference materials current
19. Plan travel itineraries
20. Make travel arrangements

UNIT D: LEGAL RECORDS MANAGEMENT

21. Produce new client information cards
22. Sort documents in current sequence
23. Close client file
24. File document and account sheets

STUDENT WORK SCHEDULE

JOB TITLE: Legal Office Specialist Name: _____

UNIT A: Legal Terminology Date Started: _____
C: Legal Office Procedures
D: Legal Records Management

TASK(S):
1. Define legal terms
10. Maintain client files
12. Identify personal traits critical to legal secretary
16. Schedule appointments
17. Keep an office and court calendar
18. Keep legal reference materials current
19. Plan travel itineraries
20. Make travel arrangements
21. Produce new client information cards
22. Sort documents in current sequence
23. Close client file
24. File document and account sheets

TEXT/MATERIALS: Atwood, Illa
Law Office Procedures
Glencoe Publishing Company, 1993.
ISBN 0-02-800066-8

DIRECTIONS TO THE STUDENT: To help you learn more effectively, each chapter begins with a list of objectives. As information is presented, all new terminology is printed in BOLD LETTERS. These boldfaced terms are explained in the terminology section at the end of the chapter. Chapter projects provide practice doing what you have learned. Each chapter concludes with review and discussion activities.

As you complete each chapter, please see your instructor for an objective test and any additional projects.

Special note: Students should concurrently work with word processing skills while learning the other skills needed for the legal office specialist.

ASSIGNMENT	JOB IN PROGRESS	COMPLETED
1. Read objectives pg. 1		
2. Read and take notes on Chapter 1 Introduction to the Law Office pgs. 1-21		
3. Complete the following projects: Project 1.1 pg. 2 Project 1.2 pg. 7 Project 1.3 pg. 8 Project 1.4 pg. 19		
4. Study law office terminology found on pgs. 19-20		
5. Complete exercises found on pgs. 20-21		
6. Turn in completed exercises to your instructor		
7. Read objectives pg. 22		
8. Read and take notes on Chapter 2 Intake Procedures and Calendaring pgs. 22-38		
9. Complete the following projects: Project 2.1 pg. 25 Project 2.2 pg. 25 Project 2.3 pg. 26 Project 2.4 pg. 33 Project 2.5 pg. 34 Project 2.6 pg. 37		
10. Study law office terminology found on pg. 39		
11. Complete exercises found on pgs. 39-40		
12. Turn in completed exercises to your instructor		
13. Read objectives pg. 41		
14. Read and take notes on Chapter 3 Telephone Procedures pgs. 41-59		

ASSIGNMENT	JOB IN PROGRESS	COMPLETED
15. Complete the following projects: Project 3.1 pg. 43 Project 3.2 pg. 44 Project 3.3 pg. 46 Project 3.4 pg. 49 Project 3.5 pg. 49 Project 3.6 pg. 51 Project 3.7 pg. 51 Project 3.8 pg. 54 Project 3.9 pg. 58		
16. Study law office terminology found on pg. 60		
17. Complete exercises found on pgs. 60-61		
18. Turn in your completed exercises to your instructor		
19. Read objectives pg. 62		
20. Read and take notes on Chapter 4 pgs. 62-89		
21. Complete the following projects: Project 4.1 pg. 66 Project 4.2 pg. 67 Project 4.3 pg. 73 Project 4.4 pg. 74 Project 4.5 pg. 81 Project 4.6 pg. 81 Project 4.7 pg. 81 Project 4.8 pg. 85 Project 4.9 pg. 85		
22. Student law office terminology found on pages 89-90		
23. Complete exercises found on pages 90-94		
24. Turn in completed exercises to your instructor		
25. Read objectives pg. 95		
26. Read and take notes on Chapter 5 Correspondence pgs. 95-117		

ASSIGNMENT	JOB IN PROGRESS	COMPLETED
27. Complete the following projects: Project 5.1 pg. 98 Project 5.2 & 3 pg. 103 Project 5.4 & 5 pg. 104 Project 5.6 & 7 pg. 112 Project 5.8 pg. 113 Project 5.9 pg. 116 Project 5.10 pg. 117		
28. Study law office terminology found on pg. 118		
29. Complete exercises found on pgs. 119-121		
30. Turn in completed exercises to your instructor		
31. Read objectives pg. 122		
32. Read and take notes on Chapter 6 pgs. 122-144		
33. Complete the following projects: Project 6.1 pg. 127 Project 6.2 pg. 133 Project 6.3 pg. 136 Project 6.4 pg. 140 Project 6.5 pg. 141		
34. Study law office terminology on pg. 142		
35. Complete exercises on pgs. 143-144		
36. Turn in completed exercises to your instructor		
37. See instructor for testing and additional projects		

STUDENT WORK SCHEDULE

JOB TITLE: Office Specialist Name:_____

UNIT A: Legal Terminology Date Started:_____

TASK(S): 3. Use legal reference materials

TEXT/MATERIALS: Bast, Carol
Legal Research and Writing
Delmar Publishers, 1995
ISBN 0-8273-6215-3

DIRECTIONS TO THE STUDENT: This textbook will provide additional information in increasing your knowledge of using legal reference materials. This textbook also has a glossary in the back with legal terminology and definitions (which may prove helpful with Unit A: Task 1 - Define legal terms).

OUTLINE:
Legal Encyclopedias
Digests
American Law Reports
Other Secondary Sources
Note on Computer-Assisted Research

COMMON LEGAL SOURCES AND FINDING TOOLS:

Note: Sources used in Chapter 3 are indicated by boldface type.

Primary Sources	Secondary Sources	Finding Tools
Reporters	**Treatises**	**American Law Reports**
Constitutions	**Law Review Articles**	**Legal Encyclopedias**
Statutes	**Legal Periodicals**	**Digests**
Administrative Regulations	**Law Dictionaries**	Shepard's Citators
Court Rules	**Legal Thesauruses**	**Index to Legal Periodicals**
Loose-Leaf Services	**Continuing Legal Education Publications** **Restatements** American Law Reports **Legal Encyclopedias**	Loose-Leaf Services
	Loose-Leaf Services	

ASSIGNMENT	JOB IN PROGRESS	COMPLETED
1. Read and take notes from Chapter 3 pgs. 31-60		
2. Using a word processing software program of your choice, complete the following: Legal Research Assignment--Legal Encyclopedias Answer questions 1-13 pgs. 60-62		
3. Using a word processing software program of your choice, complete the following: Legal Research Assignment--Digests (Read special NOTE) Answer questions 1-25 pgs. 62-67		
4 Using a word processing software program of your choice, complete the following: Legal Research Assignment--American Law Reports Answer questions 1-14 pgs. 67-68		
5. For your information: Cases found in the reporters generally follow a uniform format which you should be familiar with (refer to Chapter 4 for examples)		

Contact your instructor for chapter tests and additional projects.

STUDENT WORK SCHEDULE

JOB TITLE: Legal Office Specialist Name:_____

UNIT B: Legal Document Processing Date Started:_____

TASK(S): 5. Key a final document from a draft
6. Edit legal documents
7. Complete legal documents and forms

TEXT/MATERIALS: Atwood, Illa
Processing Law Office Documents, (Using WordPerfect version 5.1)
Glencoe Publishing Company, 1993
ISBN 0-02-800134-6

DIRECTIONS TO THE STUDENT: Since the textbook covers advanced WordPerfect features, you will also need to know the following basics about WordPerfect:

* Starting/exiting WordPerfect
* Moving the cursor
* Accessing the Help Screen
* Editing with Delete, Backspace, and the Ctrl-End
* Using Undelete
* Saving and retrieving a document
* Using View Document
* Printing documents
* Using bold/underline/center both in keying text and in blocking already keyed text
* Using Reveal codes
* Removing codes
* Formatting margins, line spacing
* Setting tabs
* Using the Indent and Shift Indent features
* Using Move and Copy
* Using Spell

Complete and submit all assignments using mailability standards.

ASSIGNMENT	JOB IN PROGRESS	COMPLETED
Lesson 1 Spacing Legal Documents 3		
Lesson 2 Setting Margins in Legal Documents 5		
Lesson 3 Setting Tabs in Legal Documents 7		
Lesson 4 Justifying Lines in Legal Documents 13		

ASSIGNMENT	JOB IN PROGRESS	COMPLETED
Lesson 5 Using Indentation in Legal Documents 14		
Lesson 6 Search a File 17		
Lesson 7 Searching a Directory 19		
Lesson 8 Searching and Replacing Text 21		
Lesson 9 Blocking, Moving, Switching, and Appending Parts of Legal Documents 23		
Lesson 10 Switching between Two Documents 26		
Lesson 11 Using Automatic Paragraph Numbering 30		
Lesson 12 Numbering Pages 32		
Lesson 13 Changing Fonts 33		
Lesson 14 Using Italics 36		
Lesson 15 Using Special Symbols 38		
Lesson 16 Creating Headers in Legal Documents 40		
Lesson 17 Creating Footers in Legal Documents 42		
Lesson 18 Using the Spell-Check Feature 45		
Lesson 19 Using the Thesaurus 46		
Lesson 20 Creating Macros 51		
Lesson 21 Pausing Macro for Memos 58		
Lesson 22 Creating a Macro for a Court Caption 61		
Lesson 23 Setting up Columns 63		
Lesson 24 Creating Styles 69		
Lesson 25 Creating Tables 76		
Lesson 26 Merging Information 86		
Lesson 27 Creating Tables with Keyboard Merge 111		
Lesson 28 Sorting 113		
Lesson 29 Sorting a Merged File 119		
Lesson 30 Outlining 121		
Lesson 31 Comparing Files 125		
Lesson 32 Using Redline and Strikeout 126		
Lesson 33 Creating a Table of Contents and Table of Authorities 130		
Lesson 34 Using Graphics 136		
Lesson 35 Printing Envelopes 140		

STUDENT WORK SCHEDULE

JOB TITLE: Legal Office Specialist Name:_____

UNIT: Integration of all Units Date Started:_____

A. Legal Terminology
B. Legal Document Processing
C. Legal Office Procedures
D. Legal Records Management

TASK(S): Integration of all Tasks (1-14)

TEXT/MATERIALS: Fernandez, Payne & Webster
The Legal Secretary (An Office Job Simulation)
McIntosh and Welter, South-Western Publishing Company, 3rd ed.
ISBN 0-538-60142-6

STUDENT NOTES: The employment outlook for legal secretaries is GOOD! In completing this simulation, you will learn about many legal documents, learn legal terms, and participate in the activities of a legal office. After completing the simulation, you will be able to:

* Set priorities for completing your work
* Use an Employee's Procedures Manual
* Read and follow instructions
* Maintain files and accounting records
* Maintain a calendar of appointments for an employer
* Prepare court papers, legal instruments, and other documents using rough-draft materials

DIRECTIONS TO THE STUDENT

Open your practice set and take out your Employee's Procedures Manual. Follow all directions given in your manual and those given in each packet.

ASSIGNMENT	JOB IN PROGRESS	COMPLETED
1. Read background and organization pgs. 1-3		
2. Read instructions for using template Part II		
3. Complete Presimulation Activities pgs. 4-6		

ASSIGNMENT	JOB IN PROGRESS	COMPLETED
4. Read pg. 6 CAREFULLY		
5. Begin Packet One		
6. Complete Daily Appointment Schedule		
7. Diary Page (Job 1)		
8. New Case Report (Job 2)		
9. Lorton Affidavit (Job 5)		
10. Letter to Cartwright (Job 6)		
11. Complaint and Summons (Job 7)		
12. Answer (Job 8)		
13. Partnership Agreement (Job 9)		
14. Turn in Packet One to your instructor		
15. Begin Packet Two		
16. Complete Daily Appointment Sheet		
17. Diary Page (Job 10)		
18. Agreement (Job 11)		
19. Letter to Sorensen (Job 12)		
20. Interrogatories (Job 13)		
21. Subpoena (Job 14)		
22. Report on Accounts (Job 15)		
23. Letter to Marranzino (Job 17, Pt. 1)		
24. Power of Attorney (Job 17, Pt. 2)		
25. Will (Job 18)		
26. Complete all sections on the front of the packet		
27. Turn in Packet Two to your instructor		
28. Begin Packet Three		
29. Complete Daily Appointment Sheet		
30. New Case Report (Job 19)		
31. Complaint (Job 20, Pt. 1)		
32. Summons(Job 20, Pt. 2)		
33. Diary Page (Job 21)		
34. Varela Statement (Job 22, Pt. 1)		
35. Ortiz Statement (Job 22, Pt. 2)		
36. Warranty Deed (Job 23)		
37. Letter to Lamothe (Job 24)		
38. Conformed Agreement (Job 26)		
39. Answer (Job 27)		
40. Complete all sections on the front of the packet		

ASSIGNMENT	JOB IN PROGRESS	COMPLETED
41. Turn in Packet Three to your instructor		
42. Begin Packet Four		
43. Complete Daily Appointment Sheet		
44. Diary Page (Job 28)		
45. Power of Attorney (Job 29, Pt. 1)		
46. Letter to Lorton (Job 29, Pt. 2)		
47. Legal Fees Agreement (Job 30)		
48. Affidavit (Job 31)		
49. Complaint (Job 32, Pt. 1)		
50. Summons (Job 32, Pt. 2)		
51. Will (Job 33)		
52. Statement (Job 34)		
53. Report (Job 35)		
54. Power of Attorney (Job 36)		
55. Complete all sections on the front of the packet		
56. Turn in Packet Four to your instructor		
57. Complete Performance Test Business Professionals of America Legal Concepts Test Regional Contest 1996 (available from the BPA office at Eastern Michigan University)		

For information on the appropriate format and style for legal papers, instructors may want to review "Plain and Accurate Style in Lawsuit Papers" authored by Irwin Alterman. This article can be located in 2 *Cooley Law Review 3* at pgs. 246-349.

PART I
SECTION 2

LEGAL OFFICE SPECIALIST

Real Estate

UNIT A: LEGAL TERMINOLOGY — Define Legal Terms

Use a legal dictionary to define these terms in your own words. Use each word in a sentence.

Acknowledgment
Adverse possession
Conveyance
Earnest money
Easement
Eminent domain
Encroachment
Escrow
Escrow agent
Fee simple
Fixture
Foreclosure
Forfeiture
Grantee/Grantor
Improvements
Joint tenancy
Land contract
Landlord
Lease
Legal description
Lien
Mortgage
Mortgagee
Mortgagor
Purchase agreement
Quit claim deed
Real property
Right-of-way
Title commitment
Vendee/Vendor
Warranty deed

UNIT B: LEGAL DOCUMENT PROCESSING

To complete this Unit, you are a legal office specialist at the firm of Sandra A. Davis (P11111), Attorney at Law, 5719 West Main Street, Ann Arbor, MI 48106, 555-5555.

You will be working with a real estate transaction for the firm's clients John W. Smyth and Marilyn K. Smyth who are husband and wife. They reside at 146 Montgomery Lane, Dexter, Michigan 48130. They wish to sell their home to Charles S. Lambert and Jane F. Lambert who are also husband and wife. The Lamberts' current address is 1540 Lompac Street, Chelsea, Michigan 48118.

The Smyths are the sellers and the Lamberts are the purchasers. The sales price is $175,000 and the purchasers must pay a $5,000 deposit to the sellers. The purchasers will pay cash at the closing. Our firm will hold the deposit in our trust account until the sale closes. The sellers will not be able to move out on the day of closing, but will pay $20 per day for each day they remain in the house. Possession must be given to the purchasers within ten days of closing. Anticipate a closing by October 1, 199_.

The legal description for the property is: Lot 10, Montgomery Subdivision No. 1, as recorded in Liber 2, page 34 of Plats, Washtenaw County Records.

The purchasers want a termite inspection, contractor's inspection, and 72 hours for their attorney to review the sales agreement before signing. The purchasers, however, waive their right to inspect for lead-based paint. The purchasers must sell their home before purchasing the Smyth's home. The sales agreement must provide that if the purchasers cannot sell their home, the agreement will be cancelled. The sale includes a refrigerator, range-oven, dishwasher, and window coverings.

You will work with several types of real estate documents in this unit.

Customize Boiler-Plate Files

The sample below is a form known as a Real Estate Sales Agreement. A person wanting to purchase a home, prepares a Sales Agreement with the sales price he wants to offer and includes other provisions to provide for a contractor's inspection, termite inspection, etc. The purchaser signs the agreement and submits it to the seller with a deposit. If the seller agrees to the terms of the agreement, he signs on the Acceptance of Offer at the end of the agreement and gives a signed copy back to the purchaser. The seller then is required to obtain title insurance to show that the seller owns the property. This is usually done within a short time after signing the Sales Agreement. Once the title insurance is reviewed by the purchaser's attorney and the purchaser obtains financing, if needed, the sale can proceed to closing.

The form contains standard paragraphs used in all Sales Agreements and also paragraphs that are only used in certain circumstances. Complete the form with the information for the Smyths and Lamberts. Type the Sales Agreement in final form.

REAL ESTATE SALES AGREEMENT

This Agreement, entered into on _____.

199_, by and between

_____

_____, of

_____

_____ hereinafter referred to as "**Seller**."

and _____, of

_____

_____, hereinafter referred to as "**Purchaser**."

AGREEMENT

1. **Purchaser offers and agrees to purchase the following land** located in the _____ of _____, county of _____, state of Michigan, more particularly described as follows:

<Insert Legal Description>

commonly known as _____, together with all improvements, fixtures, and appurtenances attached to said property, including but not limited to all lighting fixtures, shades, venetian blinds, curtain rods, drapery hardware, wall to wall carpeting, screens, awnings, and antennas, including rotary equipment, if any, as of the date hereof, are included in this sale, as well as the following personal property for which a Bill of Sale will be given, namely:

Both parties agree that neither party has relied on any representation or warranty concerning the fitness and condition of the property except as set forth herein. Seller agrees that all equipment and improvements will be in working condition at the time of possession or closing, whichever occurs last, except for items specifically set forth herein, and that the premises will be generally free and clear of trash and debris and will be left in broom-clean condition, and all scrap and rubbish

shall be removed from the property. Purchaser agrees to accept the property in an "as is" condition, except as otherwise herein specified.

<Select appropriate paragraph 2>

2. Purchaser agrees to pay the purchase price of _____ _____ Dollars ($_____), and purchase same subject to existing building and use restrictions, easements, and zoning ordinances, if any. Purchaser is also aware that notwithstanding the use of the building, the property is zoned agricultural. Seller acknowledges payment of _____ Dollars ($_____) paid by Purchaser as earnest money deposit upon the execution of this Agreement, which sum is to be held by Seller until closing of this sale. If this offer is not accepted by Seller, this money is to be returned to Purchaser. Upon closing, the earnest money will be applied against the purchase price. The purchase price, namely _____ _____ Dollars ($_____), shall be paid by the payment of the sum of _____Dollars ($_____) in cash or certified check and the execution of a land contract upon Washtenaw County Bar Association form, acknowledging payment of that sum and calling for the payment of the remainder of the purchase money within _____ years from the date of the land contract in monthly installments of not less than _____ Dollars ($_____) each, which payment shall include interest at the rate of _____ percent per annum and which shall not include prepaid taxes and insurance.

2. Purchaser agrees to pay the purchase price of _____ Dollars ($_____), and purchase same subject to existing building and use restrictions, easements, and zoning ordinances, if any. Seller acknowledges payment of _____ _____ Dollars ($_____) paid by Purchaser as earnest money deposit upon the execution of this Agreement, which sum is to be held by Seller until closing of this sale. If this offer is not accepted by Seller, this money is to be returned to Purchaser. Upon closing, the earnest money will be applied against the purchase price. The balance of the purchase price, namely _____ Dollars ($_____), to be paid in cash or certified check at the time of closing upon the delivery of the usual Warranty Deed conveying a marketable title.

2. Purchaser agrees to pay the purchase price of _____ Dollars $_____), and purchase same subject to existing building and use restrictions, easements, and zoning ordinances, if any. Seller acknowledges

payment of _____ Dollars ($_____) paid by Purchaser as earnest money deposit upon the execution of this Agreement, which sum is to be held by Seller until closing of this sale. If this offer is not accepted by Seller, this money is to be returned to Purchaser. Upon closing, the earnest money will be applied against the purchase price. The balance of the purchase price, namely _____ _____Dollars ($_____), is to be paid in cash in full at time of closing. This offer is subject to and contingent upon Purchaser qualifying for and obtaining a conventional mortgage loan for which Purchaser agrees to apply for within five days from the acceptance of this offer. This contingency is to be removed in writing on or before, and in the event this contingency cannot be removed by said date, this offer becomes null and void and the earnest money deposit is to be returned in full to Purchaser.

3. As evidence of title, Seller agrees to furnish to Purchaser a policy of title insurance issued in an amount not less than the purchase price, bearing date later than the acceptance hereof and guaranteeing the title in the condition required for performance of this offer.

4. Purchase to be closed on or before _____, 199_.

5. Possession to be given _____.

<*Optional wording:*> Seller agrees to pay Purchaser in advance a rental amount of _____ Dollars ($_____) per day from the date of closing until vacating the premises. Total estimated rental amount shall be placed in an escrow account held at the time of closing.

6. All special assessments which have been assessed and which are a lien on the land at the date of closing shall be paid by Seller. The cost of duly authorized improvements that are subject to future special assessments against the property assessed after the date of closing shall be paid by Purchaser.

7. **Rents, fuel, insurance, interest, or association fees**, where applicable, are to be prorated as of the date of closing. Current taxes shall be prorated on a 30-day month, 360-day year basis to date of closing, based on the due date method.

8. Until delivery of the Warranty Deed, the risk of loss by fire and/or wind storm or other casualty is assumed by Seller.

9. In the event Purchaser defaults in performance of this agreement, the Seller may elect to:

a. Accept the earnest money deposit as liquidated damages, or

b. Enforce the terms hereof, or

c. Take action for damages against Purchaser as may be permitted by law.

Should Seller default in the performance of this agreement, Purchaser may elect to:

a. Specifically enforce the obligations herein, or

b. Receive an immediate refund of all deposits in termination of this agreement, or

c. Take such action for damages against Seller as may be permitted by law.

10. If objection to the title is made based upon a written opinion of Purchaser's attorney that the title is not in the condition required for performance hereunder, the Seller shall have 30 days from the date he was notified in writing of the particular defects claimed, either to:

a. Remedy the title, or

b. Obtain title insurance as required above, or

c. **Refund the deposit in full termination of this agreement if unable to remedy the title or obtain title insurance.**

If the Seller remedies the title or shall obtain such title policy within the specified time, the Purchaser agrees to complete the sale within ten days of written notification thereof. If the Seller is unable to remedy the title or obtain title insurance within the time specified, the deposit shall be refunded forthwith in full termination of this agreement.

<Optional paragraphs:>

11. This offer is subject to and contingent upon a contractor's inspection of the subject property at Purchaser's expense resulting in a report satisfactory to the Purchaser. This contingency is to be removed on or before _____, 199_. In the event this contingency cannot be removed, this offer becomes void and the earnest money deposit returned in full to the Purchaser.

12. Seller agrees to furnish at least _____ (____) days prior to closing certificate from a licensed extermination company dated not more than _____ (____) days before closing that said property is free of any termite infestation.

13. Purchaser makes this offer and the same is irrevocable for _____ hours from the date hereof, and if not accepted by the Seller within that time, the deposit is to be returned to Purchaser and this offer is cancelled.

14. This offer is subject to and contingent upon the approval of the subject property (or approval of the Sales Agreement) by Purchaser's (*attorney, spouse, etc.*) within _____ hours from date of acceptance of this offer. In the

event this contingency cannot be removed, this offer becomes void and the earnest money deposit to be returned in full to the Purchaser.

15. This offer is subject to and contingent upon Purchaser obtaining all necessary building permits for construction of _____ on the property. This contingency is to be removed on or before _____. In the event this contingency cannot be removed, this offer becomes void and the earnest money deposit returned in full to the Purchaser.

<Following paragraphs should be in all sales agreements.>

16. A lead-based paint and/or lead-based paint hazard inspection of the property at Purchaser's expense, resulting in a report satisfactory to Purchaser. This contingency is to be removed on or before _____. Federal regulations require that Purchaser shall have a 10-day opportunity (or other mutually agreed upon period of time) to conduct a risk assessment or inspection for the presence of lead-base paint and/or lead-based paint hazards. If Purchaser is not satisfied with the results of this risk assessment or inspection, upon notice from Purchaser to Seller within this time period, this contract shall terminate and any deposit shall be refunded to Purchaser.

<Include above paragraph or the following sentence in its place:> Purchaser waives the opportunity to conduct a risk assessment or inspection for the presence of lead-based paint and or lead-based paint hazards.

17. It is agreed that in this agreement the word "he" shall be used as synonymous with the words "she," "it," and "they," and the word "his" synonymous with the words "her," "its," and "their."

18. **This is a binding contract on all parties hereto as well as their successors, personal representatives, heirs, and assigns. All parties hereto acknowledge that they have been advised that if there are any questions relating hereto to seek the advice of an attorney.**

19. **The terms of this contract shall survive the closing.**

The Purchaser has executed this agreement on the day and year first above written.

Date: _____, 19___

_____
Purchaser

_____
Purchaser

ACCEPTANCE OF OFFER

The above offer made by _____

_____. **Purchaser**, is hereby accepted in accordance with the terms stated.

Date: _____, 19___

_____
Seller

_____
Seller

Prepared by:

Key a Final Document from a Draft

Use the data from the Sales Agreement to complete the following Closing Statements for the Smyths and Lamberts' transaction. Assume a closing date of September 30.

SELLER'S CLOSING STATEMENT

SELLER: _____ and _____, husband and wife

PURCHASER: _____ and _____, husband and wife

PROPERTY:

_____

DATE OF CLOSING: _____

SALES PRICE		**$**
Plus: Tax Proration		
199_ Winter Tax $1,200 60 days to November 30, 199_ @ $3.3333 per diem	$199.98	
199_ Summer Tax $546 270 days to June 30, 199_ @ $1.5166 per diem	_____	_____
GROSS AMOUNT DUE SELLER		**$**
Less Deposit	$	
Transfer Tax	1,400.00	
Rent Escrow	200.00	
Owner's Title Insurance	350.00	_____
NET AMOUNT DUE SELLER AT CLOSING		**$**

Assumptions

1 Seller has paid tax when due

2. 360-day year, 30-day month, each and every month.
3. Purchaser pays tax for day of closing - Section 211.2 of the C.L. as amended (General Property Tax Law).

_____ _____

, Seller **, Seller**

Prepared by:

PURCHASER'S CLOSING STATEMENT

SELLER: _____ and _____, husband and wife

PURCHASER: _____ and _____, husband and wife

PROPERTY:

_____

DATE OF CLOSING: _____

PURCHASE PRICE **$**

Plus: Tax Proration

199_ Winter Tax $1,200
60 days to November 30, 199_
@ $3.3333 per diem $199.98

199_ Summer Tax $546
270 days to June 30, 199_
@ $1.5166 per diem _____

Less: Deposit -_____

AMOUNT DUE SELLER AT CLOSING **$**

Purchaser's Expenses:
Warranty Deed - Recording Fee _____

CASH REQUIRED FROM PURCHASER AT CLOSING **$_____**

Assumptions:
1. Seller has paid tax when due.
2. 360-day year, 30-day month, each and every month.
3. Purchaser pays tax for day of closing - Section 211.2 of the C.L. as amended (General Property Tax Law).

_____ _____

, Purchaser **, Purchaser**

Prepared by:

Edit Legal Documents

A Bill of Sale is a form signed by the sellers to transfer property (such as refrigerator, stove, washer/dryer) in the house being sold that the sellers want to leave behind for the purchasers. These items are normally included in the sales prices of the property, but a Bill of Sale form must be signed and given to the purchasers as a receipt. Proofread the following Bill of Sale.

BILL OF SALE

JOHN W. SMYTH and **MARILYN K. SMITH,** husband and wife, "**Seller**," for and in consideration of the sum of One Dollar ($1) and other valuable consideration in lawful money of the United States of America, to Sellers in hand paid, the receipt whereof is acknowledged, grant, bargain, sel, and convay to **CHARLES S. LAMBERTS** and **JANE M. LAMBERT**, husband and wife, "**Purchaser**," the personal property described as follows:

Refrigerator, range-oven, dishwasher, and window coverings.

The Sellers warrants that these items are in the house located at 149 Montgomery Lane, Dexter, Michigan, and are included in the sales price of the property.

The Sellers do for their heirs, executors, and administrators covenant and agree to warrant and defend the title to the property, goods, and chattels hereby conveyed, against the just and lawful claims and demands of all persons whomsoever.

Dated: _____

IN THE PRESENCE OF:

_____ _____

JOHN M. SMYTH

_____ _____

MARILYN K. SMYTH

Acknowledged before me in _____ Cuonty, Michigan, on _____, 19__, by John W. Smyth and Marilyn K. Smyth, husband and wife.

_____ _____

Notary's Stamp Notary's Signature

(Print/type notary's name, county of commission, and date commission expires.)

Prepared by:

Complete Legal Documents and Forms

A deed is given from the owner of property to a purchaser to convey the owner's interest in the property to the purchaser. If only a man's name is on the title to the property, his wife still must also sign the deed to convey any dower interest she may have in the property. If property is owned solely by a woman, her husband does not need to sign the deed. Normally this is done with a document entitled a Warranty Deed. The deed is recorded at the Register of Deeds office in the county where the property is located to prove the transfer of ownership. The purchaser pays a recording fee of $9 to the Register of Deeds office and $1 to the County Treasurer office. The $1 fee to the treasurer is to certify that the taxes on the property are paid. The seller must pay a state transfer tax and county transfer tax on the transfer of the property. Usually this amount is deducted from the seller's proceeds of the sale at closing. The transfer tax is paid to the Register of Deeds office when the deed is recorded. The transfer taxes total $8.60 on every $1,000 of the purchase price. For example, if the purchase price is $175,000, the transfer tax is figured as: $175,000 ¸ $1,000 = 175 x 8.60 = $1,505.

Attorneys either use preprinted deed forms or deeds prepared with word processing software. The next page is a form of a Warranty Deed. Insert the following information at the corresponding numbers on the Warranty Deed and type the final form.

1. John W. Smyth and Marilyn K. Smyth, husband and wife
2. 146 Montgomery Lane, Dexter, Michigan 48130
3. Charles S. Lambert and Jane F. Lambert, husband and wife
4. 1540 Lompac Street, Chelsea, Michigan 48118
5. Township
6. Dexter
7. Washtenaw
8. Lot 10, Montgomery Subdivision No. 1, as recorded in Liber 2, page 34 of Plats, Washtenaw County Records.
9. 146 Montgomery Lane, Dexter, Michigan
10. $175,000 (*Write out in figures, then in numbers)*
11. John W. Smyth
12. Marilyn K. Smyth
13. Name of county where document will be signed
14. John W. Smyth and Marilyn K. Smyth, husband and wife
15. Sandra A. Davis (P11111)
    Attorney at Law
    5719 West Main Street
    Ann Arbor, MI 48106
    (313) 555-5555

WARRANTY DEED

<1.> whose address is <2.>

convey and warrant to <3.> whose address is <4.>

the following described premises situated in the <5> of <6.> county of <7.> and state of Michigan, to-wit:

<8>

Commonly known as <9.>

For the full consideration of <10.>

Subject to easements and restrictions of record.

SUBJECT TO THE LIEN OF PROPERTY TAXES WHICH WILL BECOME DUE AND PAYABLE AFTER THE DATE OF THIS DEED.

Date: _____

WITNESSES:

_____ _____

<11>

_____ _____

<12>

Acknowledged before me in <13> County, Michigan, on _____, 19___, by <14>

_____ _____

Notary's Stamp Notary's Signature

Drafted by: **When recorded return to:**

<15>

_____ _____

_____ _____

Tax Parcel No. _____ State Transfer Tax: $_____

32

Recording Fee: $_____ County Transfer Tax: $_____

Key Document from Transcription Equipment

At the closing on a sale of a house, if the sellers will not move on the day of closing, the sellers are required to pay rent to the purchasers. A sum is withheld in escrow from the sellers' proceeds of the sale until the sellers move. The parties sign an agreement stating that the money will be held until the escrow agent receives notice that the sellers have moved. Upon that notice, the escrow agent determines the amount due the purchasers for rent and refunds the balance to the sellers.

Your attorney has dictated an agreement to be used for this type of transaction. Normally you would transcribe this message from the dictation unit. The following is what you would hear the attorney dictate. Type the document using the dictated instructions.

Prepare a document entitled a Rent Escrow Agreement. Include a heading that lists the sellers and purchasers' names, address of property, and date of closing similar to a Closing Statement. The undersigned acknowledge that the sum of two hundred dollars has been withheld from the Sellers' proceeds and is being held in the escrow account of Sandra A. Davis. Said sum represents ten days of rent at twenty dollars per day. Escrowed rent shall be disbursed to the Purchasers and or Sellers upon the written authorization of Purchasers and Sellers. Sellers understand that they shall be charged rent for the day of closing through and including the day they vacate. Any unused rent money shall be returned to them. Put signature lines at the bottom for the escrow agent, Sellers, and Purchasers to sign.

Compose Final Transmittal and Response letters

1. Type a letter to a title insurance company asking them to order a title insurance commitment based on the information contained in the Sales Agreement you prepared in section 4. The title insurance is ordered by the seller's attorney after the Sales Agreement is signed by both parties. The title insurance commitment will provide the purchaser with information showing who owns the property, easements or encroachments if any, outstanding tax bills, or other items affecting the title of the property. Use sample below.

<Date>

<Title Company Name>
<Street Address>
<City, State, Zip>

Ladies and Gentlemen:

Please issue a commitment for an owner's policy in the amount of $_____ insuring *<Purchaser's names>*. This is a cash sale and the seller is *<Seller's names>*.

The property is commonly known as *<address>* and is more particularly described on the enclosed copy of a previous owner's policy which we are submitting for credit.

Please forward the commitment and statement to this office. If you have any questions, please call me. Thank you.

Very truly yours,

Sandra A. Davis

xxx

Encs.

2. Type a letter sending drafts of the Closing Statements, Bill of Sale, Warranty Deed, and Rent Escrow Agreement to the purchasers for their review. Also enclose a copy of the title insurance commitment. State that a closing date has been scheduled and include the date, time, and place. Use data in section 4. See sample below.

<Date>

<Purchaser's Name>
<Street Address>
<City, State, Zip>

RE: Purchase of *<Address of Property>*

Dear Mr. and Mrs. <:>

The closing on your purchase of the above property is scheduled for *<day of week, date, and time.>* The closing will be held at *<location.>* Enclosed for your review are copies of a proposed Title Insurance Commitment, Warranty Deed, Closing Statements, Bill of Sale, and Rent Escrow Agreement.

Please bring with you to the closing a cashier's check in the amount stated on your Closing Statement. If you have any questions or corrections to the documents, please call our office.

Very truly yours,

Sandra A. Davis

xxx
Encs.
cc/encs *Sellers' Names*

LEGAL OFFICE SPECIALIST

Estate Planning
& Probate

UNIT A: LEGAL TERMINOLOGY — Define Legal Terms

Use a legal dictionary to define these terms in your own words. Use each word in a sentence.

Beneficiary
Bequest
Closing Letter
Codicil
Conservator
Decedent
Devise
Devisee
Dower
Estate
Fiduciary
Form 706
Gift Tax
Guardian
Heir
Holographic Will
Intangibles
Inter vivos Trust
Intestate
Irrevocable Trust
Letters of Authority
Personal Property
Power of Attorney
Predeceased
Probate
Probate Assets
Residuary Bequest
Settlor
Specific Bequest
Testamentary Trust
Testate
Testator
Testatrix
Trust
Trustee
Ward

UNIT B: LEGAL DOCUMENT PROCESSING

To complete this Unit, you are a legal office specialist at the firm of Sandra A. Davis (P11111), Attorney at Law, 5719 West Main Street, Ann Arbor, MI 48106, 555-5555.

You will be working on an estate plan for the firm's clients John W. Smyth and Marilyn K. Smyth who are husband and wife. They reside at 146 Montgomery Lane, Dexter, Michigan 48130. Their children are: Madelyn K. Smyth, Jason W. Smyth, and Marlene K. Smyth. They are concerned about what will happen to their property, including real estate, personal belongings, and monies once they die. They want to be certain their property passes to the spouse on the death of the first of them, then divided among their children equally on the death of the surviving spouse. Mrs. Smyth wants to be certain that Madelyn receives her 14K ruby dinner ring; Marlene, her 14K diamond engagement ring; and Jason, Mr. Smyth's football superbowl ring. The Smyths also want to nominate their friends Chester and Rhonda Black as guardians to take care of any minor children if they should die before all children are adults. The Smyths want each other as personal representative to handle their estates after their death, or if not survived by their spouse, then their daughter Marlene K. Smyth.

You will work with several types of estate planning documents in this unit.

For the probate section, we will assume that Mr. Smyth dies and is survived by his wife and children.

Customize Boiler-Plate Files

The sample below is a form known as a Last Will and Testament (or simply a Will). Both a husband and wife should prepare Wills to insure their property is distributed correctly upon their deaths.

The form contains standard paragraphs used in all Wills and also paragraphs that are only used in certain circumstances. Complete the form with the information for the Smyths. Type the Will in final form for Mr. Smyth only.

LAST WILL
OF
<NAME>

I, <Name>, a resident of <Name of county> County, Michigan, make my last will, this being the original and only signed copy, and revoke all of my previous wills and codicils.

I, <Name>, am a resident of <Name of county> County, Michigan. I am married to <Name of spouse> and have the following children: <Names>. I make my last will, this being the original and only signed copy, and revoke all of my previous wills and codicils.

I, <Name>, am a resident of <Name of county> County, Michigan. I have the following children: <Names>. I make my last will, this being the original and only signed copy, and revoke all of my previous wills and codicils.

I
DEBTS AND EXPENSES

I direct my personal representative to pay all of my legally enforceable debts, including the expenses of my last illness, my funeral expenses, and the expenses of administering my estate.

<**Optional paragraphs under Debts and Expenses heading:**>

I direct my personal representative, at the expense of my estate, to erect upon my grave a monument similar to that on my spouse's grave.

I direct my personal representative to arrange for my burial at the family lot in <name> Cemetery.

I wish to express my disbelief in the importance of the body and my dislike for ostentatious funerals. I prefer to have my family and friends remember me as I was when I was living and so would like to arrange to have

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the casket kept closed. I prefer that any ceremony be kept simple.

I direct that my body be cremated immediately following my death and that any memorial ceremony be very simple.

II
TANGIBLE PERSONAL PROPERTY

I give all of my tangible personal property to my **<husband / wife>** if **<he / she>** survives me. My tangible personal property includes, but is not limited to, my household goods and personal effects, together with all policies insuring the property against loss.

If my **<husband / wife>** does not survive me, I give the following items of tangible personal property, together with all policies insuring the property against loss, to the following beneficiaries who survive me:

<Insert items and names of beneficiaries.>

I give all of my other tangible personal property, together with all policies insuring the property against loss, in as nearly equal shares as possible, to my children who survive me.

If my **<husband / wife>** does not survive me, I give all of my tangible personal property in as nearly equal shares as possible to my children who survive me.

I may leave a written statement or list disposing of items of my tangible personal property. I intend for any statement or list to supersede, in whole or in part, other gifts that I have made in this article of the will.

III
RESIDUE

I give all other property that I own or that I have the power to appoint by Will to my **<husband / wife>** if **<he / she>** survives me. If my **<husband / wife>** does not survive me, all other property that I own or that I have the power to appoint by Will shall be paid in equal shares to my children who survive me or who predecease me leaving issue who survive me, the share for a deceased child to be paid to his or her issue who survive me, by right of representation.

IV
MISCELLANEOUS

Survival Defined. If it is difficult or impossible to determine whether my spouse or I survive the other, or if there is insufficient evidence to make that determination, the **<husband / wife>** shall be considered to have survived **<his wife / her husband>**. No other person shall be considered to have survived another or to be living upon the death of another if he or she dies within thirty

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days after the death of the other.

Payment of Charges: All debts, expenses, and taxes imposed by reason of my death upon any transfer of property (including taxes imposed on property subject to a power of appointment, but excluding taxes imposed by the Internal Revenue Code upon any generation-skipping transfer and upon qualified terminable interest property includable in my estate) shall be paid by my personal representative from the residue of my estate without apportionment. If taxes exceed property in the residue of my estate or exceed that which can be liquidated reasonably to pay such charges, I direct that payment of such debts, expenses, and taxes be made by the trustee of any trust then in existence which I have established as a revocable trust. The burden of payments made by the trustee shall be as allocated in the trust and, if no allocation is made, then from the trust residue. Notwithstanding these directions, no property exempt from or deductible for purposes of computing federal or state estate, inheritance, or other transfer tax shall be used to pay debts, expenses, or taxes from which it is exempt or deductible.

Receipt of a Minor: If distribution is made to a minor, the minor's receipt shall be valid and binding to evidence delivery by my personal representative.

Independent Probate: I direct independent probate of my estate.

Choice of Law: This will shall be interpreted and construed under the laws of the state of Michigan.

V
FIDUCIARIES

Independent Personal Representative: I nominate **<Name>** to serve as independent personal representative without bond. If **<he / she>** predeceases me, declines to act, or, having qualified, resigns, dies, or is removed, I nominate **<Name of alternate>** to serve as independent personal representative without bond. I give unto my said Personal Representative all of the powers that are given to an independent personal representative under Section 334 of the Michigan Revised Probate Code as that section exists on the date that I sign this Will, and for that purpose, I incorporate that section by this reference.

Testamentary Guardian and Conservator: If my **<husband / wife>** fails to survive me, I nominate **<Name>** as testamentary guardian of the person and **<Name>** as conservator of the estate of any child of mine who is a minor at the time of my death. If **<Name of nominated guardian>** is unable or unwilling to act, I nominate **<Name of alternate>** as guardian of the person of any minor child of mine.

Executed on _____

_____
, <Testator / Testatrix>

On _____, **<Name>**, the **<Testator / Testatrix>**, signed the foregoing instrument as **<his / her>** last Will. We witnessed the signing by the **<Testator / Testatrix>** and we now, on the same day, sign as witnesses in the presence of the **<Testator /**

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Testatrix> and state that, to the best of our knowledge, the **<Testator / Testatrix>** is at least 18 years of age or older and of sound mind.

WITNESSES:

_____ _____

_____

_____ _____

_____

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Edit Legal Documents

Mr. and Mrs. Smyth will sign Powers of Attorney when they sign their new Wills. The Power of Attorney will allow each spouse to handle business transactions, financial affairs, transfers of property, etc., on behalf of his/her spouse. The Power of Attorney terminates upon the death of the signer. Proofread the Power of Attorney form below for Mr. Smyth and make any necessary corrections on the form.

GENERAL DURABLE
POWER OF ATTORNEY
EFFECTIVE UPON EXECUTION

I, **JOHN W. SMYTHE**, a resident of Washtenaw County, Michigan, designate **MARILYN K. SMYTH** as my attorney-in-fact (referred to as "the Agent") on the following terms and conditions:

1 Authority to Act. The Agent is authorized to act for me under this Power of Attorney and shall exercise all powers in my best interests and for my welfare.

2 Powers of Agent. The Agent may perform any act and exercise any power with regard to my property and affairs that I could do personally, including exercising all of the specific powers set forth below:

a Collect and Manage. To collect, hold, maintain, improve, invest, lease, or otherwise manage any or all of my real or personal property or any interest therein.

b Buy and Sell. To purchase, sell, mortgage, grant options, or otherwise deal in any way in any real property or personal property, tangible or intangible, or any interest therein, upon such terms as the Agent considers proper, including the power to buy United States Treasury Bonds that may be redeemed at par to pay federal estate tax and to sell or transfer Treasury securities.

c Borrow. To borrow money, to execute promissory notes therefor, and to secure any obligation by mortgage or pledge.

d Business and Banking. To conduct and participate in any kind of lawful business of any nature or kind, including the right to sign partnership agreements, continue, reorganize, merge, consolidate, recapitalize, close, liquidate, sell, or dissolve any business and to vote stock, including the exercise of any stock options and the carrying out of any buy-sell agreement; to receive and endorse checks and other negotiable paper, deposit and withdraw

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BEST COPY AVAILABLE

funds (by check or withdrawal slips) that I now have on deposit or to which I may be entitled in the future in or from any bank, savings and loan, or other institution.

e. Tax Returns and Reports. To prepare, sign, and file separate or joint income, gift, and other tax returns and other governmental reports and documents; to consent to any gift; to file any claim for tax refund; and to represent me in all matters before the Internal Revenue Service.

e. Safe Deposit Boxes. To have access to any safety deposit box registered in my name alone or jointly with others, and to remove any property or papers located therein.

f. Proxy Rights. To act as my Agent or proxy for any stocks, bonds, shares, or other investments, rights, or interests I may now or hereafter hold.

g. Government Benefits. To make application to any governmental agency for any benefit or government obligation to which I may be entitled.

h. Legal and Administrative Proceedings. To engage in any administrative or legal proceedings or lawsuits in connection with any matter herein.

i. Life Insurance. To exercise any incidents of ownership I may possess with respect to policies of insurance, except policies insuring the life of my Agent.

j. Transfers in Trust. To transfer any interest I may have in property, whether real or personal, tangible or intangible, to the trustee of any trust that I have created for my benefit.

k. Delegation of Authority. To engage and dismiss agents, counsel, and employees, in connection with any matter, upon such terms as my Agent determines.

3. Restrictions on Agent's Powers. Regardless of the above statements, my Agent (a) cannot execute a will, a codicil, or any will substitute on my behalf, (b) cannot change the beneficiary on any like insurance policy that I own, (c) cannot make gifts on my behalf, and (d) may not exercise any powers that would cause assets of mine to be considered taxable to my Agent or to my Agent's estate for purposes of any income, estate, or inheritance tax.

4. Durability. This durable Power of Attorney shall not be affected by my disability and shall continue in effect until my death or until revoked by me in writing or in accordance with the statutes of Michigan.

5. Reliance by Third Parties. Third parties may rely upon the representations of the Agent as to all matters regarding powers granted to the

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Agent. No person who acts in reliance on the representations of the Agent or the authority granted under this Power of Attorney shall incur any liability to me or to my estate for permitting the Agent to exercise any power prior to actual knowledge that the Power of Attorney has been revoked or terminated by operation of law or otherwise.

6. Indemnification of Agent. No agent named or substituted in this power shall incur any liability to me for acting or refraining from acting under this power, except for such agents own misconduct or negligence.

7. Original Counterparts. Photo copies of this signed Power of Attorney shall be treated as original counterparts.

8. Revocation. I hereby revoke any previous Power of Attorney that I may have given to deal with my property and affairs as set forth herein.

8. Compensation. The Agent shall be reimbursed for reasonable expenses incurred while acting as Agent and may receive reasonable compensation for acting as Agent.

9. Substitute Agent. If **MARILYN K. SMITH** is, at any time, unable or unwilling to act, I then appoint **JASON W. SMYTH** as my Agent.

Date: _____

Singed in the presence of

_____ _____
JOHN W. SMYTH

_____

Signed and sworn to before me in Washtenaw County, Michigan, on _____

_____ _____
Notary's Commission Notary's Signature

Drafted by

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BEST COPY AVAILABLE

Key Document from Transcription Equipment

A Codicil to a Will is prepared when a client wishes to change something in a Will that was already signed. If the client only has one change, the attorney can use a Codicil to make the change instead of preparing a new Will. A Codicil simply changes an item, and the rest of the existing Will remains unchanged and valid.

Mr. Smyth signed his Will, but his wife is ill and he is not sure she could administer his estate. His children are now grown and he wishes to nominate his son Jason as his first choice for personal representative, then his daughter Marlene.

Your attorney has dictated the Codicil. Normally you would transcribe this message from the dictation unit. The following is what you would hear the attorney dictate. Type the document using the dictated instructions.

This dictation is a Codicil to Mr. Smyth's Will. Include a heading First Codicil to the Last Will and Testament of John W. Smyth. I John W. Smyth, of Washtenaw County, Michigan, do make, publish, and declare this to be a Codicil to my Last Will and Testament dated September 30, 199_, as follows: (New paragraph) I delete the Article V, Fiduciaries, Independent Personal Representative, paragraph and substitute in its place the following paragraph: (new paragraph) Article V, Fiduciaries, Independent Personal Representative. I nominate my son Jason W. Smyth to serve as independent personal representative without bond. If he predeceases me, declines to act, or, having qualified, resigns, dies, or is removed, I nominate my daughter Marlene K. Smyth to serve as independent personal representative without bond. I give unto my said Personal Representative all of the powers that are given to an independent personal representative under Section 334 of the Michigan Revised Probate Code as that section exists on the date that I sign this Will, and for that purpose, I incorporate that section by this reference. (New paragraph) In all other respects, I ratify, affirm, and republish my said Will dated September 30, 199_. (New paragraph) In Witness Whereof, I have executed this Codicil on (insert blank for date). Put signature line for Mr. Smyth to sign and type his name under the line. Include a witness statement similar to that on a Will such as: We, the

undersigned, each witnessed the Testator sign his name to the foregoing instrument and his acknowledgment that said instrument is his Codicil to his Last Will and Testament dated September 30, 199_.

Compose Final Transmittal and Response letters

1. Your attorney Ms. Davis wants to send copies of the estate planning documents she has prepared for the Smyths to sign to the Smyths so they can read through the papers before their appointment. This allows the client to read the papers at their convenience and pace to understand them and note any changes that need to be made. It also instructs the client to call the attorney's office for an appointment to sign them. Your office prepared Wills for Mr. and Mrs. Smyth and a Durable General Power of Attorney for each. Type a letter to the Smyths using the sample below.

<Date>

<Client Name(s)>
<Street Address>
<City, State, Zip>

Dear <Client Name(s)>:

Enclosed for your review are copies of your proposed <state type of documents, ex. Wills, Powers of Attorney.>

After you have reviewed these documents, please call my office to make an appointment to come in and sign the originals.

If there are any changes or corrections, let me know when you call so we can make the necessary changes before your appointment. Thank you.

Very truly yours,

<Attorney's Name>

xxx
Encs.

2. Your attorney's office retains clients' estate planning documents in its safe for those who wish to use that service. After the documents are signed and the originals placed in the safe, a letter is sent to the clients stating the location of the documents. This letter should be retained with the client's copies of the documents. Use sample below to prepare letter to Mr. and Mrs. Smyth.

<Date>

<Client Name(s)>
<Street Address>
<City, State, Zip>

Dear <Client's Name(s)>:

This letter is to acknowledge that we have your <state titles of documents> dated <date>, which are to be held by this office in our vault for safekeeping.

If in the future you desire to make any changes in these documents or wish to withdraw them from this office, please contact us and we will endeavor to follow your instructions.

It has been a pleasure to be of assistance to you, and should you require anything further, please contact us.

Very truly yours,

Attorney's Name

xxx

Key a Final Document from a Draft

For this section, you will assume Mr. and Mrs. Smyth signed all their estate planning documents on September 30, 199_; the current date is two years later; and Mrs. Smyth has called our office to indicate that Mr. Smyth passed away on September 20, 199_. After your attorney consults with Mrs. Smyth and determines that all Mr. Smyth's property was held jointly with his wife, it is not necessary to probate Mr. Smyth's Will. All the property automatically passes to Mrs. Smyth without opening an estate for the deceased husband in the probate court. However, Mr. Smyth's original Will must be filed with the probate court in the county where he resided when he passed away. Also, a sworn statement signed by the surviving spouse must be filed stating that the deceased person has no property or assets that require probate.

Type the Sworn Statement of No Assets form by inserting the following information in the corresponding blanks.

1. John W. Smyth
2. Marilyn K. Smyth
3. John W. Smyth
4. September 20, 199_
5. Washtenaw
6. Spouse
7. John W. Smyth
8. John W. Smyth
9. His
10. Marilyn K. Smyth
11. Washtenaw
12. Sandra A. Davis (P11111)
13. 5719 West Main Street, Ann Arbor, MI 48106

STATE OF MICHIGAN

IN THE WASHTENAW COUNTY PROBATE COURT

_____

In the matter of the
ESTATE OF _____<1>_____, File No. _____
Deceased.
_____/

SWORN STATEMENT OF NO ASSETS

<2>, being sworn, states:

1. <3> died on <4>, a resident of <5> County, Michigan.

2. I am the <6> of <7>.

3. <8> owned no assets at the time of <9> death which require probate court proceedings.

Dated: _____ _____
10

Signed and sworn to before me in ____11____, County, Michigan, on _____, 199_.

_____ _____
Notary's Commission Notary's Signature

_____
12
13

Complete Legal Documents and Forms

Mrs. Smyth has now passed away and her daughter Marlene has contacted your office to discuss what steps are necessary to transfer the property in her mother's estate to the three children.

To start the probate of a decedent's estate, the decedent's original Will is filed with the probate court along with a Petition for Commencement of Proceedings, Testimony form, Register's Order, Acceptance of Trust, and Letters of Authority. Most forms filed with the probate court are preprinted forms available from a legal stationery/form company. A filing fee must be submitted with the forms and Will to the court. Once the papers are filed, the clerk will issue the Letters of Authority to the personal representative. These Letters will be used by the personal representative to transfer funds into an estate checking account or sell property to third parties if necessary.

You will need additional information to complete the forms which you would normally obtain from the decedent's death certificate, Will, and notes from attorney's consultation with client. This information would include:

Date of death: 12/05/__
Time of death: 1:35 a.m. Age: 67
Social Security No. 555-55-5555 Address: 7904 Oakville Road
Dexter, MI 48178
Washtenaw County

Will is dated 9/30/9_. Witnesses to Will include you and Sandra A. Davis

Mrs. Smyth's daughter Marlene K. Smyth was appointed the alternate personal representative in the Will. Marlene will sign the petition and you will ask the court that she be appointed the personal representative for the estate. The attorney's notes reflect the addresses of the children who will be listed as the interested parties and as devisees on the petition. Make up addresses for the petition. Assume all children are adults.

Complete the Petition for Commencement of Proceedings, Testimony, Register's Order, Acceptance of Trust, and Letters of Authority. If you need additional information, you may make it up.

These documents would then be signed by the personal representative and filed with the court along with the filing fee. After the estate is opened, additional forms must be prepared.

Approved, SCAO

JDC CODE: COP

STATE OF MICHIGAN PROBATE COURT COUNTY OF	PETITION FOR COMMENCEMENT OF PROCEEDINGS ☐ Supervised ☐ Independent ☐ Small estate	FILE NO.

Estate of _____

1. I, _____ (Name), am interested in the estate and make this petition as _____ (Relationship) of the deceased.

2. Decedent information: _____ (Date of death) _____ (Time (if known)) m. _____ (Age) _____ (Social Security Number)

3. Decedent ☐ did ☐ did not leave a will, dated _____. Subscribing witnesses are: _____

_____

4. At date of death, decedent was an inhabitant and resident of _____ (City/Township/Village), in this County and/or left an estate to be administered in this County with the estimated value: Real estate $ _____

Personal estate $ _____

5. The names, ages relationships and residences of the heirs-at-law, devisees and other interested persons are:
(Identify children of the deceased who are not issue of the surviving spouse)

NAME	AGE	RELATIONSHIP Also indicate if devisee	RESIDENCE

PLEASE SEE OTHER SIDE

Do not write below this line - For court use only

5. (continued)

NAME	AGE	RELATIONSHIP Also indicate if devisee	RESIDENCE

6. Of the above interested persons, the following are under legal disability or otherwise represented and presently have or will require representations as follows:

NAME	LEGAL DISABILITY	REPRESENTED BY Name, address, and capacity

7. I further represent:

8. I request:

☐ the will be admitted to probate and administration be granted to _____ (Name),

personal representative named in the will, who resides at _____ (Complete address)

☐ administration of the estate be granted to _____ (Name),

who resides at _____ (Complete address)

or to some other suitable person.

9. I further request that this be a ☐ supervised ☐ independent ☐ small estate (MCL 700.101) administration.

10. I further request:

I declare that this petition has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

_____
Date

_____
Attorney signature

_____
Petitioner signature

_____
Attorney name (type or print) Bar no.

_____
Petitioner name (type or print)

_____
Attorney address

_____
Petitioner address

_____
City, state, zip Telephone no.

_____
City, state, zip Telephone no.

7/91

Approved, SCAO

OSM CODE: TES

STATE OF MICHIGAN PROBATE COURT COUNTY OF	TESTIMONY INTERESTED PARTIES	FILE NO.

Estate of _____

1. What is your name and address? _____

2. How are you related to the deceased, or how do you know the deceased's family? _____

3. What was the date and time of death and domicile (residence) at the date of death of the deceased? _____ (Date)

_____ (Time) _____ (Address)

NOTE: FOR THE FOLLOWING QUESTIONS TREAT ALL PERSONS WHO DIED WITHIN 120 HOURS AFTER THE DECEASED AS IF THEY DID NOT SURVIVE THE DECEASED. List persons who died within 120 hours after the Deceased in item 14 below.

4. Did the deceased leave a spouse surviving? _____ If yes, name: _____

5. a. Did the deceased ever have any natural children (born in or out of wedlock) or any adopted children? _____

If yes, name: _____

b. Were any of the children listed in 5.a. adopted by others? _____ If yes, name: _____

c. Were any of the children listed in 5.a. not children of the surviving spouse? _____ If yes, name: _____

Answer question 6 only if the answer to question 5.a. is yes.

6.a. Did any of the children listed in 5.a. die before the deceased? _____ If yes, name: _____

b. Did any of the children listed in 6.a. leave issue, either natural or adopted, who survived the deceased? _____
If yes, give their name(s) and the name(s) of their deceased parent and the relationship of their parent to the deceased:

c. Were any of these issue listed in 6.b. adopted by others? _____ If yes, name: _____

PLEASE SEE OTHER SIDE

Do not write below this line - For court use only

If the deceased left no surviving issue, answer the following question:

7. Did the deceased leave a father or mother surviving? _____ If yes, name: _____

_____

If deceased is not survived by spouse, issue or parents, answer questions 8. and 9.

8. Did the deceased ever have brothers or sisters, either natural or adopted, and either of the whole or half blood, who were not adopted by others? _____ If yes, name those who survived the deceased: _____

_____

9. Did any brothers and sisters die before the deceased leaving children, either natural or adopted, who survived the deceased and had not been adopted by others? _____ If yes, give the names of these nephews and nieces, and name(s) of their deceased parent: _____

If the deceased was not survived by spouse, issue, parent, brother, sister, or children of deceased brother or sister, answer questions 10. and 11.

10. Did the deceased leave grandparents who survived the deceased? (Note: identify both maternal and paternal grandparents) _____ If yes, name: _____

11. If both maternal grandparents and/or both paternal grandparents died before deceased, list their surviving issue and relationship to grandparents:
Maternal grandparents: _____

_____

Paternal grandparents: _____

_____

12. Are any of the heirs listed above under any legal disability? _____ If yes, list name(s), identify legal disability, and indicate by whom such person is represented: _____

13. Did any presently deceased heirs survive the decedent by more than 120 hours? _____ If yes, list name(s) and indicate who represents his or her interest: _____

14. List persons who did not survive the deceased by 120 hours; their relationship to the deceased, and the date and time of their death:

NAME	RELATION	DATE OF DEATH	TIME OF DEATH

If the deceased left a will, and if any of the devisees named in the will and codicils are not heirs of the testator, also complete a supplemental testimony form.

_____
Witness signature

Subscribed and sworn to before me on _____ (Date), _____ County, Michigan.

My commission expires: _____ (Date) Signature: _____
Judge/Deputy register/Notary public — Bar no.

_____
Attorney signature

_____
Name (type or print) — Bar no.

_____
Address

_____
City, state, zip — Telephone no.

Approved by the Michigan State Court Administrator

1/95

STATE OF MICHIGAN PROBATE COURT COUNTY OF	REGISTER'S ORDER INDEPENDENT PROBATE	FILE NO.

Estate of _____

_____

1. Date of hearing _____ Register of Probate: _____

2. A petition has been filed by _____ requesting independent probate of the estate of the above named Deceased.

3. It appears that the Decedent died ☐ testate. ☐ intestate.

IT IS ORDERED that:

☐ 4. Independent probate is granted.

☐ The Last Will of Decedent dated _____ and codicils dated _____ is (are) admitted to probate.

☐ _____ (Name), _____ (Address)

is appointed Independent Personal Representative, and ☐ an acceptance of trust shall be filed. ☐ bond in sum of $ _____ should be filed.

☐ 5. Independent probate is denied for the following reason(s): _____

_____

_____

☐ 6. Pending granting of independent probate, _____ (Name), _____ (Address)

_____ is appointed Temporary Personal Representative.

☐ an acceptance of trust shall be filed.

☐ bond in the sum of $ _____ shall be filed.

_____
Date

_____
Attorney name Bar no.

_____
Register of Probate

_____
Address

_____
City, state, zip Telephone no.

Do not write below this line - For court use only

REGISTER'S ORDER, INDEPENDENT PROBATE, Form No. PC150, Revised 11/79 MCL 700.306-.311

Approved, SCAO

1/96
OSM CODE LET

STATE OF MICHIGAN PROBATE COURT COUNTY OF	LETTERS OF AUTHORITY Independent Probate	FILE NO.

Estate of _____

1. Independent probate has been granted in this estate.

☐ 2. The deceased died intestate.

☐ 3. The last will of the deceased has been filed and admitted.

☐ 4. The estate has been reopened for _____ days.

5. _____
Name

_____
Address

_____
City, state, zip Telephone no.

has been appointed independent personal representative and is granted full power and authority to collect, manage, and dispose of all of the property of the estate, and to perform all acts permitted or required by law and rule, and to do so without court supervision.

6. These letters of authority expire _____.
15 months from date of issue or less for a reopened estate

_____ _____
Date Register

I certify that I have compared this copy with the original on file and that it is a correct copy of the original and that these letters are in full force and effect as of the date on the letters.

_____ _____
Date Register

Do not write below this line - For court use only

64

1/93 Approved, SCAO

JDC CODE: AOT

STATE OF MICHIGAN PROBATE COURT COUNTY OF	ACCEPTANCE OF TRUST	FILE NO.

In the matter of _____

I have been appointed _____ of the person/estate.
Type of fiduciary

I accept the trust according to the appointment and agree to file reports and to perform all duties required by law.

_____
Date

_____
Signature

_____
Name (type or print)

_____
Address

_____
City, state, zip Telephone no.

_____
Attorney name Bar no.

_____
Attorney address

_____
City, state, zip Telephone no.

Do not write below this line - For court use only

PC 14 (8/87) ACCEPTANCE OF TRUST

LEGAL OFFICE SPECIALIST

Litigation

UNIT A: LEGAL TERMINOLOGY — Define Legal Terms

Use a legal dictionary to define these terms in your own words. Use each word in a sentence.

Acquittal
Ad litem
Adversary Proceeding
Alibi
Alii
Allegation
Amicus curiae
Answer
Appeal
Appearance
Arraignment
Bail
Bailiff
Bond
Brief
Caption
Case
Circuit court
Citation
Civil Action
Complaint
Counterclaim
Crime
Default
Defendant
Deposition
Discovery
District court
Docket
Domicile
Duces tecum
Et
Et alii
Ex parte
Friend of the court
Garnishment
Habeas corpus
Hearing
Impeachment of witness
Incarceration
Indictment
Injunction
Interrogatories
Judge
Judgment
Jurisdiction
Jury
Lis pendens
Litigation
Magistrate
Mediation
Misdemeanor
Motion
Nee
Order
Parole
Peremptory Challenge
Plaintiff
Plea
Praecipe
Probable Cause
Pro per
Respondent
Service of Process
Stare decisis
Statutes
Statute of Frauds
Statute of Limitations
Stipulation
Subpoena
Summons
Trial court
Venue
Verdict
Voir dire exam
With prejudice
Without prejudice
Witness
Writ

UNIT B: LEGAL DOCUMENT PROCESSING

To complete this Unit, you are a legal office specialist at the firm of Sandra A. Davis (P11111). Attorney at Law, 5719 West Main Street, Ann Arbor, MI 48106, 555-5555.

Ms. Davis recently held a conference with Ronald Delta, president of ABC Delta Doors, a Michigan corporation. One of its customers, XYZ Construction Inc. (also a Michigan corporation), bought supplies on account during the time period of March 17, 199_, through October 24, 199_. These purchases total $15,575.23. Several attempts have been made by ABC to contact XYZ requesting payment, but XYZ has not made any payments on the invoices.

In this unit, you will prepare several court documents on behalf of ABC Delta Doors.

Customize Boiler-Plate Files

To prepare a Complaint for collection of a debt, the firm has a standard form to use. The Complaint must include a statement signed by the president of the corporate plaintiff verifying the amount owed by the defendant. Type the Complaint and Affidavit using the forms below with the information for ABC Delta Doors.

STATE OF MICHIGAN

IN THE _____COUNTY CIRCUIT COURT

_____

<>,
a Michigan corporation,

Plaintiff, Case No. 9_-_____-CK

v Hon _____

<>, a Michigan corporation,

_____Defendant____/ **COMPLAINT**

<Attorney's name, address,
phone number and bar #>
Attorney for Plaintiff

_____/

Plaintiff, by its attorney < >, for its Complaint against Defendant says

1. Plaintiff is a Michigan corporation with its office in Washtenaw County, Michigan

2. Defendant is a Michigan corporation with its office in Washtenaw County, Michigan

3. Between the dates . and . Plaintiff sold and delivered to Defendant certain goods and materials upon open account and upon Defendant's promise to pay

4. There is now an unpaid balance on this open account in the amount of $<>

5. This account has become stated between the parties

6. As a consequence of the foregoing, the Defendant is justly indebted to the Plaintiff in the amount of $<> plus interest from the date of this Complaint plus the cost of this suit.

7. A copy of the account and an affidavit verifying the same are attached as Plaintiff's Exhibits A and B.

Plaintiff requests the Court to enter a judgment in Plaintiff's favor and against the Defendant in the amount of $<> plus interest, costs, and attorney fees.

Date _____

_____
<Attorney's name, and bar number>

STATE OF MICHIGAN

IN THE _____COUNTY CIRCUIT COURT

_____

<>,

a Michigan corporation,

Plaintiff.

v

Case No. 9_-_____-CK

Hon _____

<>,

_____Defendant____/

<Attorney's name, address, and phone number>

Attorney for Plaintiff

_____/

AFFIDAVIT OF ACCOUNT

<>, being sworn, says:

1. This Affidavit is made on behalf of <Plaintiff's corporate name>, and has been authorized by said corporation.

2. This Affidavit is based on the books and records of <Plaintiff's corporate name>.

3. The books and records show that <Defendant's name> is justly indebted to <Plaintiff's corporate name>, in the amount of $<> above all legal setoffs and counterclaims as of this date.

Date _____ _____

<>

Signed and sworn to before me in _____ County, Michigan, on _____.
<>

_____ _____

Notary's Stamp Notary's Signature

_____

Attorney for Plaintiff

Complete Legal Documents and Forms

ABC Delta Doors is owed $15,575.23 by XYZ Construction. The circuit court only handles cases involving $10,000 or more. If the amount in dispute was under $10,000, it would be handled by a district court. Therefor, the Complaint in our case would be filed in the circuit court, and when the Complaint is filed with the circuit court in the county where the plaintiff is located, a Summons form must also be included. The court clerk will issue the Summons to notify the defendant that it is being sued and that it must answer the Complaint. The Summons contains an expiration date entered by the court clerk. The Complaint and Summons form must then be served on the defendant by a process server before the Summons expires. The process server files proof with the court of the date the process server personally served the defendant. The defendant then has 21 days from the date of service to file an answer.

Complete the Summons to be filed with the Complaint. List addresses for both parties and assume there is no other pending action.

Approved, SCAO

Original - Court
1st copy - Defendant
2nd copy - Plaintiff
3rd copy - Return

1/92

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT	SUMMONS AND COMPLAINT	CASE NO.

Court address

Court telephone no.

Plaintiff name(s), address(es), and telephone no(s).	v	Defendant name(s), address(es), and telephone no(s).
Plaintiff attorney, bar no., address, and telephone no.		

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. YOU HAVE 21 DAYS after receiving this summons to file an answer with the court and serve a copy on the other party or to take other lawful action (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued	This summons expires	Court clerk

*This summons is invalid unless served on or before its expiration date.

☐ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.

☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ . The docket number and assigned judge are:
Name of court

Docket no.	Judge	Bar no.

The action ☐ remains ☐ is no longer pending.

VENUE	
Plaintiff(s) residence	Defendant(s) residence
Place where action arose or business conducted	

I declare that the complaint information above and attached is true to the best of my information, knowledge, and belief.

Date

Signature of attorney/plaintiff

COMPLAINT IS STATED ON ATTACHED PAGES. EXHIBITS ARE ATTACHED IF REQUIRED BY COURT RULE.

MC 01 (10/91) **SUMMONS AND COMPLAINT**

MCR 2.102(B)(11), MCR 2.104, MCR 2.107, MCR 2.113(C)(2)(a),(b)

Key a Final Document from a Draft

After the defendant files an answer in a case, the court schedules several hearings including a pretrial conference and settlement conference. Also during this time the parties are allowed to search for information to the case in several ways. This time period is known as discovery. One way to ask questions of the other party is to set a date where the attorneys for the parties are present with the person to be deposed, and a court reporter. The court reporter records the discussion. If the person to be deposed is a party to the suit, only a notice of taking the deposition to its attorney is required. If the party was not a party to the suit, then a Subpoena would be needed to make the person appear at the deposition.

Prepare a Notice of Taking Deposition in the ABC v XYZ case using the draft below. The deposition will be held on Friday, May 20, 199_, at 2 p.m., in the office of Sandra A. Davis. The Quick Court Reporters company will record the deposition and its address is 2929 Holiday Drive, Ann Arbor, Michigan 48103.

STATE OF MICHIGAN
IN THE _____ COUNTY CIRCUIT COURT

_____

<>,
a Michigan corporation,

Plaintiff,

v

<>

Defendant

Case No 9_-_____-CK

Hon _____

NOTICE OF TAKING DEPOSITION

Attorney's name, address, and phone number
Attorney for Plaintiff

Attorney's name, address, and phone number
Attorney for Defendant

TO Defendant's Attorney and Court Reporter Company Name

Please take notice that the deposition of insert name of deponent will be taken for the purposes of discovery and all other uses contemplated by the Michigan Court Rules, on the date and at the time and place set forth below

DATE
TIME
PLACE
TAKEN BY Court Reporter Company Name
For the attorneys for the Plaintiff

Date: _____

_____

<Attorney's Name and Bar Number>
Attorney for the Plaintiff

Edit Legal Documents

The firm's client ABC Delta Doors has another suit pending against it with Montgomery Rowing Company in the Livingston County Circuit Court, case number 9_-22222-CK. ABC is the defendant and Montgomery is the plaintiff. Montgomery filed a Complaint against ABC on October 1, 199_. We need to file an Appearance to appear on behalf of the Defendant ABC. Proofread the Appearance and note any corrections.

STATE OF MICHIGAN

IN THE LIVINGSTON COUNTY COURT CIRCUIT

ABC DELTA DOORS INC.,
a Michigan corporation,

Plaintiff, Case No. 9_-22223-CK

v Hon. _____

MONTGOMERY ROWING COMPANY,,

Defendant. **APPEARANCE**

George W. Smith (P33333)
Smith & Smith
59718 Local Street
Brighton, MI 48106
(810) 555-5555
Attorney for Plaintiff

Sandra A. Davis (P11111)
5719 West Main Street
Ann Arbor, MI 48106
(313) 555-5555
Attorney for Defendant

I appear on behalf of Defendant ACB Delta Doors Inc. as attorney and request copioes of all papers filed in this case. I was retained by Defendant ABC Delta Doors Inc. and certify that I represent no other interest whatsoever of any party to this cuase.

Date _____ _____
Sandra B. Davis (P11121)
Attorney for the Defendant

68

Key Document from Transcription Equipment

On November 1, 199_, in the case of Montgomery Rowing Co v ABC Delta Doors, the plaintiff took a default judgment against our client ABC and we need to have the default set aside so we can file an answer to the Complaint. We must move the court to hear our argument why the default should be set aside. We do this by filing a Motion and selecting a date the court normally hears these types of hearings. The parties appear before the judge on this date and give their arguments. We must file with the court a motion and notice of hearing with a filing fee.

Your attorney has dictated the motion and notice of hearing. Normally you would transcribe this message from the dictation unit. The following is what you would hear the attorney dictate. Type the document using the dictated instructions.

In the case of Montgomery Rowing Company v ABC Delta Doors, case number 9_-22222-CK, we need to prepare a court document entitled a Motion to Set Aside Default Judgment. Include the standard caption. Defendant, by its attorney Sandra A. Davis, requests that this Court set aside the default which was entered against the Defendant on November 1, 199_, because Defendant thought it would be notified of a court date and did not need to take any action until that time. The Defendant has a meritorious defense and a valid counterclaim against Plaintiff. Include a date line and signature block for my signature.

Also prepare a Notice of Hearing to file with the motion. Include a caption and entitle it Notice of Hearing. Defendant's Motion to Set Aside Default is set for argument in the courtroom of Judge Smith on Friday, December 15, 199_, at 9 a.m. Include a date line and signature block.

Using a preprinted form, prepare a Proof of Mailing stating the date we mail a copy of the Motion and Notice of Hearing to the opposing attorney.

8/89

Approved, SCAO

PROBATE JDC CODE: POM

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	PROOF OF MAILING	CASE NO.

Court address

Court telephone no.

Plaintiff(s)	v	Defendant(s)

☐ Juvenile In the matter of _____

☐ Probate In the matter of _____

On the date below I sent by first class mail a copy of _____

_____

_____

to: Names and addresses

I declare that the statements above are true to the best of my information, knowledge, and belief.

_____
Date

_____
Signature

_____
Name (type or print)

MC 302 (4/89) PROOF OF MAILING

MCR 2.107(C)(3), (D)

Compose Final Transmittal and Response letters

1. Type a letter to the clerk of the Livingston County Circuit Court to file the Motion to Set Aside Default, Notice of Hearing, and Proof of Mailing. Include a check for $20 for the filing fee. Use the letter below as your sample.

<Date>

Civil Clerk
<Court Name>
<Street Address>
<City, State, Zip>

To the Clerk:

Enclosed for filing are a <insert names of documents.> Also enclosed is our check for $<> for the filing fee. Please place the hearing on the judge's docket for <insert date from Notice of Hearing.>
Thank you.

Very truly yours,

<Attorney's Name>

xxx

Encs

2. Type a letter to the attorney for Montgomery Rowing sending him copies of the Motion and Notice of Hearing.

<Date>

<Attorney's Name>
<Street Address>
<City, State, Zip>

RE: <Case Name>

Dear <Attorney's Name>:

Enclosed are copies of a <insert names of documents>. Please note the hearing is set for <insert date of motion hearing>.

Very truly yours,

<Attorney's Name>

xxx

Encs.

LEGAL OFFICE SPECIALIST

Real Estate

Answer Key

Acknowledgment — A formal declaration before an authorized official by the person who executed an instrument that is his free act and deed.

Adverse possession — A method of acquiring title to land by possession under a claim of right for a prescribed period of time without receiving a valid deed or conveyance from the legal owner.

Conveyance — (1) The transfer of a title to property from one person to another. (2) The instruments in writing (documents) which effect the transfer of title.

Earnest money — Money given from a buyer to a seller as a deposit to enter into a sale of real property.

Easement — A right to use land of another for a special purpose, such as crossing their land to gain access to yours if there is no other entrance.

Eminent domain — The power of a government body to take private property for public use.

Encroachment — The unlawful intrusion of buildings or fixtures on the property of another.

Escrow — Something of value delivered to a disinterested third party as a guarantee of performance.

Escrow agent — The person designated to hold escrow property.

Fee simple — Absolute ownership of real property.

Fixture — An article of personal property permanently attached to real estate.

Foreclosure — A court proceeding upon default in a mortgage to vest title in the mortgagee.

Forfeiture — A legal action whereby a contract purchaser following default loses all his interest in

Certain definitions are adopted in part from the *Handbook of Legal Terms* (1989) available from the Michigan Judicial Institute, P.O. Box 30305, Lansing, Michigan 48909

the property.

Grantee — The person to whom a grant is made. Such as, the person who receives title to real property by deed.

Grantor — The person who makes a grant or conveyance.

Improvements — Items of permanent nature affixed to real property which enhance the development of the property.

Joint tenancy — Property held by two or more persons, each with the same undivided interest in the property.

Land contract — A contract for the sale of land on a time payment.

Landlord — The person who owns lands and who has leased them to another person.

Lease — A contract or agreement for the renting of real or personal property for a specified or determined period of time and giving rise to the relationship of landlord and tenant.

Legal description — A description of real property.

Lien — A claim against the property to secure a debt or other obligation.

Mortgage — A lien on real property to secure the performance of some obligation, and to be discharged upon payment or performance as stipulated. It is a pledge or security of particular property for the payment of a debt.

Mortgagee — One who holds a mortgage, the creditor.

Mortgagor — The maker of a mortgage, the debtor.

Purchase agreement — Agreement between buyer and seller of property setting forth the price and terms of a proposed sale.

Quit claim deed — A deed without warranty of title which passes whatever title the grantor has to another.

Real property — Land, and generally whatever is erected or growing upon or affixed to the land.

Right-of-way — The right of a party to pass over the land of another.

Tenancy by the entireties — Type of ownership by which a husband and wife hold title to the

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entire property with the right of survivorship.

Tenancy in common — The type of ownership by which each owner holds an undivided interest in the entire property with no right of survivorship to the parties.

Tenant — A person who rents property from the owner (landlord). One who occupies the property of another for a temporary period, with the landlord's consent.

Title commitment — Certificate issued by a title insurance company setting forth the status of real estate and any requirements which must be completed before title can be insured.

Vendee — A buyer; a person to whom something is sold.

Vendor — A seller; a person who sells something.

Warranty Deed — A deed which guarantees that the title conveyed is good and its transfer rightful.

Certain definitions are adopted in part from the *Handbook of Legal Terms* (1989) available from the Michigan Judicial Institute, P.O. Box 30305, Lansing, Michigan 48909

REAL ESTATE SALES AGREEMENT

This Agreement, entered into on _____, 199_, by and between **JOHN W. SMYTH** and **MARILYN K. SMYTH**, husband and wife, of 146 Montgomery Lane, Dexter, Michigan 48130, hereinafter referred to as "**Seller**," and **CHARLES S. LAMBERT** and **JANE F. LAMBERT**, husband and wife, of 1540 Lompac Street, Chelsea, Michigan 48118, hereinafter referred to as "**Purchaser**."

AGREEMENT:

1. Purchaser offers and agrees to purchase the following land located in the township of Dexter, county of Washtenaw, state of Michigan, more particularly described as follows:

Lot 10, Montgomery Subdivision No. 1, as recorded
in Liber 2, page 34 of Plats, Washtenaw County Records.

commonly known as 146 Montgomery Lane, Dexter, Michigan, together with all improvements, fixtures, and appurtenances attached to said property, including but not limited to all lighting fixtures, shades, venetian blinds, curtain rods, drapery hardware, wall-to-wall carpeting, screens, awnings, and antennas, including rotary equipment, if any, as of the date hereof, are included in this sale, as well as the following personal property for which a Bill of Sale will be given, namely

Refrigerator, range-oven, dishwasher, and window coverings.

Both parties agree that neither party has relied on any representation or warranty concerning the fitness and condition of the property except as set forth herein. Seller agrees that all equipment and improvements will be in working condition at the time of possession or closing, whichever occurs last, except for items specifically set forth herein, and that the premises will be generally free and clear of trash and debris and will be left in broom-clean condition, and all scrap and

rubbish shall be removed from the property. Purchaser agrees to accept the property in an "as is" condition, except as otherwise herein specified.

2. Purchaser agrees to pay the purchase price of One Hundred Seventy-Five Thousand Dollars ($175,000), and purchase same subject to existing building and use restrictions, easements, and zoning ordinances, if any. Seller acknowledges payment of Five Thousand Dollars ($5,000) paid by Purchaser as earnest money deposit upon the execution of this Agreement, which sum is to be held by Seller's attorney, Sandra A. Davis, until closing of this sale. If this offer is not accepted by Seller, this money is to be returned to Purchaser. Upon closing, the earnest money will be applied against the purchase price. The balance of the purchase price, namely One Hundred Seventy Thousand Dollars ($170,000), to be paid in cash or certified check at the time of closing upon the delivery of the usual Warranty Deed conveying a marketable title.

3. As evidence of title, Seller agrees to furnish to Purchaser a policy of title insurance issued in an amount not less than the purchase price, bearing date later than the acceptance hereof and guaranteeing the title in the condition required for performance of this offer.

4. Purchase to be closed on or before October 1, 199_.

5. Possession to be given within ten days after date of closing. Seller agrees to pay Purchaser in advance a rental amount of Twenty Dollars ($20) per day from the date of closing until vacating the premises. Total estimated rental amount shall be placed in an escrow account held at the time of closing.

6. All special assessments which have been assessed and which are a lien on the land at the date of closing shall be paid by Seller. The cost of duly authorized improvements that are

subject to future special assessments against the property assessed after the date of closing shall be paid by Purchaser.

7. Rents, fuel, insurance, interest, or association fees, where applicable, are to be prorated as of the date of closing. Current taxes shall be prorated on a 30-day month, 360-day year basis to date of closing, based on the due date method.

8. Until delivery of the Warranty Deed, the risk of loss by fire and/or wind storm or other casualty is assumed by Seller.

9. In the event Purchaser defaults in performance of this agreement, the Seller may elect to:

a. Accept the earnest money deposit as liquidated damages, or

b. Enforce the terms hereof, or

c. Take action for damages against Purchaser as may be permitted by law.

Should Seller default in the performance of this agreement, Purchaser may elect to:

a. Specifically enforce the obligations herein, or

b. Receive an immediate refund of all deposits in termination of this agreement, or

c. Take such action for damages against Seller as may be permitted by law.

10. If objection to the title is made based upon a written opinion of Purchaser's attorney that the title is not in the condition required for performance hereunder, the Seller shall have 30 days from the date he was notified in writing of the particular defects claimed, either to:

a. Remedy the title, or

b. Obtain title insurance as required above, or

c. Refund the deposit in full termination of this agreement if unable to remedy the title or obtain title insurance.

If the Seller remedies the title or shall obtain such title policy within the specified time, the Purchaser agrees to complete the sale within ten days of written notification thereof. If the Seller is unable to remedy the title or obtain title insurance within the time specified, the deposit shall be refunded forthwith in full termination of this agreement.

11. This offer is subject to and contingent upon a contractor's inspection of the subject property at Purchaser's expense resulting in a report satisfactory to the Purchaser. This contingency is to be removed on or before _____, 199_. In the event this contingency cannot be removed, this offer becomes void and the earnest money deposit returned in full to the Purchaser.

12. Seller agrees to furnish at least _____ (____) days prior to closing certificate from a licensed extermination company dated not more than _____ (____) days before closing that said property is free of any termite infestation.

13. This offer is subject to and contingent upon the approval of the Sales Agreement by Purchaser's attorney within 72 hours from date of acceptance of this offer. In the event this contingency cannot be removed, this offer becomes void and the earnest money deposit to be returned in full to the Purchaser.

14. Purchaser waives the opportunity to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards.

15. It is agreed that in this agreement the word "he" shall be used as synonymous with the words "she," "it," and "they," and the word "his" synonymous with the words "her," "its," and "their."

16. This is a binding contract on all parties hereto as well as their successors, personal representatives, heirs, and assigns. All parties hereto acknowledge that they have been advised that if there are any questions relating hereto to seek the advice of an attorney.

17. The terms of this contract shall survive the closing.

The Purchaser has executed this agreement on the day and year first above written.

Date: _____, 199_

_____
CHARLES S. LAMBERT, Purchaser

_____
JANE F. LAMBERT, Purchaser

ACCEPTANCE OF OFFER

The above offer made by **CHARLES S. LAMBERT** and **JANE F. LAMBERT**, husband and wife, **Purchaser**, is hereby accepted in accordance with the terms stated.

Date: _____, 199_

_____
JOHN W. SMYTH, Seller

_____
MARILYN K. SMYTH, Seller

Prepared by:
Sandra A. Davis (P11111)
5719 West Main Street
Ann Arbor, MI 48106
(313) 555-5555

SELLER'S CLOSING STATEMENT

SELLER: **JOHN W. SMYTH and MARILYN K. SMYTH**, husband and wife

PURCHASER: **CHARLES S. LAMBERT and JANE F. LAMBERT**, husband and wife

PROPERTY: 146 Montgomery Lane, Dexter, Michigan

DATE OF CLOSING: September 30, 199_

SALES PRICE		**$175,000.00**
Plus: Tax Proration		
199_ Winter Tax $1,200 60 days to November 30, 199_ @ $3.3333 per diem	$199.98	
199_ Summer Tax $546 270 days to June 30, 199_ @ $1.5166 per diem	409.48	609.46
GROSS AMOUNT DUE SELLER		**$175,609.46**
Less: Deposit	$5,000.00	
Transfer Tax	1,400.00	
Rent Escrow	200.00	
Owner's Title Insurance	350.00	- 6,950.00
NET AMOUNT DUE SELLER AT CLOSING		**$168,659.46**

Assumptions:

1. Seller has paid tax when due.
2. 360-day year, 30-day month, each and every month.
3. Purchaser pays tax for day of closing - Section 211.2 of the C.L. as amended (General Property Tax Law).

JOHN W. SMYTH, Seller **MARILYN K. SMYTH, Seller**

Prepared by: Sandra A. Davis (P11111), 5719 West Main Street, Ann Arbor, MI 48106

PURCHASER'S CLOSING STATEMENT

SELLER: **JOHN W. SMYTH** and **MARILYN K. SMYTH**, husband and wife

PURCHASER: **CHARLES S. LAMBERT** and **JANE F. LAMBERT**, husband and wife

PROPERTY: 146 Montgomery Lane, Dexter, Michigan

DATE OF CLOSING: September 30, 199_

PURCHASE PRICE		**$175,000.00**
Plus: Tax Proration		
199_ Winter Tax $1,200 60 days to November 30, 199_ @ $3.3333 per diem	$199.98	
199_ Summer Tax $546 270 days to June 30, 199_ @ $1.5166 per diem	409.48	609.46
Less: Deposit		- 5,000.00
AMOUNT DUE SELLER AT CLOSING		**$170,609.46**
Purchaser's Expenses:		
Warranty Deed - Recording Fee		10.00
CASH REQUIRED FROM PURCHASER AT CLOSING		**$170,619.46**

Assumptions:
1. Seller has paid tax when due
2. 360-day year, 30-day month, each and every month
3. Purchaser pays tax for day of closing - Section 211.2 of the C.L. as amended (General Property Tax Law)

CHARLES S. LAMBERT, Purchaser **JANE F. LAMBERT, Purchaser**

Prepared by: Sandra A. Davis (P11111), 5719 West Main Street, Ann Arbor, MI 48106

BILL OF SALE

JOHN W. SMYTH and **MARILYN K. ~~SMITH~~**SMYTH, husband and wife, "**Seller**," for and in consideration of the sum of One Dollar ($1) and other valuable consideration in lawful money of the United States of America, to Sellers in hand paid, the receipt whereof is acknowledged, grant, bargain, ~~sels~~sell, and ~~convay~~convey to **CHARLES S. ~~LAMBERTS~~**LAMBERT and **JANE ~~M~~E. LAMBERT**, husband and wife, "**Purchaser**," the personal property described as follows:

Refrigerator, range-oven, dishwasher, and window coverings.

The Sellers warrants that these items are in the house located at ~~149~~146 Montgomery Lane, Dexter, Michigan,; and are included in the sales price of the property.

~~The Sellers do for their heirs, executors, and administrators covenant and agree to warrant and defend the title to the property, goods, and chattels hereby conveyed, against the just and lawful claims and demands of all persons whomsoever.~~

The Sellers do for their heirs, executors, and administrators covenant and agree to warrant and defend the title to the property, goods, and chattels hereby conveyed, against the just and lawful claims and demands of all persons whomsoever.

Dated: _____

IN THE PRESENCE OF:

_____ _____
JOHN ~~M~~W. SMYTH

_____ _____
MARILYN K. SMYTH

Acknowledged before me in _____ ~~Cuonty~~County, Michigan, on _____, 19__, by John W. Smyth and Marilyn K. Smyth, husband and wife.

_____ _____
Notary's Stamp Notary's Signature
(Print/type notary's name, county of commission, and date commission expires.)

Prepared by: Sandra A. Davis (P11111), 5719 West Main Street, Ann Arbor, MI 48106

WARRANTY DEED

JOHN W. SMYTH and **MARILYN K. SMYTH**, husband and wife, whose address is 146 Montgomery Lane, Dexter, Michigan 48130,

convey and warrant to **CHARLES S. LAMBERT** and **JANE F. LAMBERT**, husband and wife, whose address is 1540 Lompac Street, Chelsea, Michigan 48118,

the following described premises situated in the township of Dexter, county of Washtenaw, and state of Michigan, to-wit

Lot 10, Montgomery Subdivision No. 1, as recorded in Liber 2, page 34 of Plats, Washtenaw County Records

Commonly known as 146 Montgomery Lane, Dexter, Michigan.

For the full consideration of One Hundred Seventy-Five Thousand Dollars ($175,000)

Subject to easements and restrictions of record

SUBJECT TO THE LIEN OF PROPERTY TAXES WHICH WILL BECOME DUE AND PAYABLE AFTER THE DATE OF THIS DEED

Date _____

WITNESSES

_____ _____
JOHN W. SMYTH

_____ _____
MARILYN K. SMYTH

Acknowledged before me in Washtenaw County, Michigan, on _____, 19___, by John W. Smyth and Marilyn K. Smyth, husband and wife

_____ _____
Notary's Stamp Notary's Signature

Drafted by:
Sandra A. Davis (P11111)
5719 West Main Street
Ann Arbor, MI 48106
(313) 555-5555

When recorded return to:
_____
_____
_____

Tax Parcel No _____ State Transfer Tax $ _____
Recording Fee $ _____ County Transfer Tax $ _____

RENT ESCROW AGREEMENT

SELLER: **JOHN W. SMYTH** and **MARILYN K. SMYTH**, husband and wife

PURCHASER: **CHARLES S. LAMBERT** and **JANE F. LAMBERT**, husband and wife

PROPERTY: 146 Montgomery Lane, Dexter, Michigan

DATE OF CLOSING: September 30, 199_

The undersigned acknowledge that the sum of Two Hundred Dollars ($200) has been withheld from the Sellers' proceeds and is being held in the escrow account of Sandra A. Davis. Said sum represents ten days of rent at Twenty Dollars ($20) per day. Escrowed rent shall be disbursed to the Purchasers and/or Sellers upon the written authorization of Purchasers and Sellers. Sellers understand that they shall be charged rent for the day of closing through and including the day they vacate. Any unused rent money shall be returned to them.

_____

JOHN W. SMYTH, Seller

_____

MARILYN K. SMYTH, Seller

_____

CHARLES S. LAMBERT, Purchaser

_____

JANE F. LAMBERT, Purchaser

_____

SANDRA A. DAVIS, Escrow Agent

August 25, 199_

Acme Title Insurance Service
500 Northeastern Road
Ann Arbor, MI 48108

Ladies and Gentlemen:

Please issue a commitment for an owner's policy in the amount of $175,000 insuring Charles S. Lambert and Jane F. Lambert, husband and wife. This is a cash sale and the sellers are John W. Smyth and Marilyn K. Smyth, husband and wife.

The property is commonly known as 146 Montgomery Lane, Dexter, Michigan, and is more particularly described on the enclosed copy of a previous owner's policy which we are submitting for credit.

Please forward the commitment and statement to this office. If you have any questions, please call me. Thank you.

Very truly yours,

Sandra A. Davis

xxx

Encs.

September 20, 199_

Mr. and Mrs. Charles S. Lambert
1540 Lompac Street
Chelsea, MI 48118

RE: Purchase of 146 Montgomery Lane, Dexter, MI

Dear Mr. and Mrs. Lambert:

The closing on your purchase of the above property is scheduled for Tuesday, September 30, 199_, at 10 a.m. The closing will be held at our office. Enclosed for your review are copies of a proposed Title Insurance Commitment, Warranty Deed, Closing Statements, Bill of Sale, and Rent Escrow Agreement.

Please bring with you to the closing a cashier's check in the amount stated on your Closing Statement. If you have any questions or corrections to the documents, please call our office.

Very truly yours,

Sandra A. Davis

xxx
Encs
cc/encs: Mr. and Mrs. John W. Smyth

LEGAL OFFICE SPECIALIST

Estate Planning
& Probate

Answer Key

Beneficiary — One who receives benefits under a Trust or a Will.

Codicil — A written amendment to a Will executed the same as a Will.

Conservator — A person appointed by the court, as provided in the Revised Probate Code to manage and protect the estate of a minor or person under legal disability because of mental illness, mental deficiency of physical illness or disability.

Decedent — A deceased person.

Devise — Under the Revised Probate Code, the term used for a gift of personal or real property.

Devisee — A person given property under a Will.

Dower — That part of a man's real property which his widow is entitled to use for her lifetime after her husband's death, as a result of her status as wife, as opposed to property devised or inherited.

Estate — The interest a person has in real or personal property, property left when a person dies. The assets of a decedent or other person subject to be administered under the authority of a court.

Fiduciary — One who has the duty to act primarily for the benefit of another with respect to the subject matter of a trust. A person who is invested with rights and powers to be exercised for the benefit of another person, such as, conservator, guardian, representative, trustee, testamentary trustee, foreign personal representative, etc. A successor fiduciary is one who is appointed to succeed or replace a prior fiduciary. A temporary fiduciary is one appointed by the court until a regular fiduciary is appointed, a grant of authority over property limited to a

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personal representative, trustee, or conservator.

Guardian — The person who has the legal duty and power to take care of the person of another, who, because of some disability, usually age or incompetence, is considered incapable of caring for himself or herself. A person appointed by a court or designated as such in a Will to exercise power over the person of a minor or a legally incapacitated adult.

Heir — A person who inherits or receives property from someone who has died. Person who "takes" or inherits under intestate succession, property of a deceased.

Holographic Will — An unwitnessed Will where the dispositionary portions are in the handwriting of the decedent, signed at the end and dated.

Inter vivos — Between living persons.

Intestate — Dying without having made a valid Will.

Letters of Authority — The formal instrument of authority and administration given to a personal representative by the court with respect to a probate estate.

Personal Property — Includes everything that is the subject of ownership but which is not real estate.

Power of Attorney — A written instrument appointing and authorizing a person to act in the place of another as agent or substitute. One holding a power of attorney is called an attorney in fact, and may or may not be a lawyer.

Probate — The process of proving the validity of a Will.

Residue — That part of an estate remaining after payment of all debts, charges, and legacies.

Testate — Dying having made a valid Will.

Testator — A male person who has made a Will.

Testatrix — A female person who has made a Will.

Trust — A right of property, real or personal, held by one party for the benefit of another.

Trustee — A person in whom property is vested in trust for others.

Ward — A person (especially an infant) placed by authority of law under the care of a guardian.

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LAST WILL

OF

JOHN W. SMYTH

I, **JOHN W. SMYTH**, am a resident of Washtenaw County, Michigan. I am married to **MARILYN K. SMYTH** and have the following children: **MADELYN K. SMYTH, JASON W. SMYTH**, and **MARLENE K. SMYTH**. I make my last will, this being the original and only signed copy, and revoke all of my previous wills and codicils.

I
DEBTS AND EXPENSES

I direct my personal representative to pay all of my legally enforceable debts, including the expenses of my last illness, my funeral expenses, and the expenses of administering my estate.

II
TANGIBLE PERSONAL PROPERTY

I give all of my tangible personal property to my wife **MARILYN K. SMYTH** if she survives me. My tangible personal property includes, but is not limited to, my household goods and personal effects, together with all policies insuring the property against loss.

If my wife does not survive me, I give the following items of tangible personal property, together with all policies insuring the property against loss, to the following beneficiaries who survive me:

JASON W. SMYTH Football Superbowl Ring

I give all of my other tangible personal property, together with all policies insuring the property against loss, in as nearly equal shares as possible, to my children who survive me.

I may leave a written statement or list disposing of items of my tangible personal property. I intend for any statement or list to supersede, in whole or in part, other gifts that I have made in this article of the will.

III
RESIDUE

I give all other property that I own or that I have the power to appoint by Will to my wife

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MARILYN K. SMYTH if she survives me. If my wife **MARILYN K. SMYTH** does not survive me, all other property that I own or that I have the power to appoint by Will shall be paid in equal shares to my children who survive me or who predecease me leaving issue who survive me, the share for a deceased child to be paid to his or her issue who survive me, by right of representation.

IV
MISCELLANEOUS

Survival Defined: If it is difficult or impossible to determine whether my spouse or I survive the other, or if there is insufficient evidence to make that determination, the wife shall be considered to have survived her husband. No other person shall be considered to have survived another or to be living upon the death of another if he or she dies within thirty days after the death of the other.

Payment of Charges: All debts, expenses, and taxes imposed by reason of my death upon any transfer of property (including taxes imposed on property subject to a power of appointment, but excluding taxes imposed by the Internal Revenue Code upon any generation-skipping transfer and upon qualified terminable interest property includable in my estate) shall be paid by my personal representative from the residue of my estate without apportionment. If taxes exceed property in the residue of my estate or exceed that which can be liquidated reasonably to pay such charges, I direct that payment of such debts, expenses, and taxes be made by the trustee of any trust then in existence which I have established as a revocable trust. The burden of payments made by the trustee shall be as allocated in the trust and, if no allocation is made, then from the trust residue. Notwithstanding these directions, no property exempt from or deductible for purposes of computing federal or state estate, inheritance, or other transfer tax shall be used to pay debts, expenses, or taxes from which it is exempt or deductible.

Receipt of a Minor: If distribution is made to a minor, the minor's receipt shall be valid and binding to evidence delivery by my personal representative.

Independent Probate: I direct independent probate of my estate.

Choice of Law: This will shall be interpreted and construed under the laws of the state of Michigan

V
FIDUCIARIES

Independent Personal Representative: I nominate my wife **MARILYN K. SMYTH** to serve as independent personal representative without bond. If she predeceases me, declines to

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act, or, having qualified, resigns, dies, or is removed, I nominate my daughter **MARLENE K. SMYTH** to serve as independent personal representative without bond. I give unto my said Personal Representative all of the powers that are given to an independent personal representative under Section 334 of the Michigan Revised Probate Code as that section exists on the date that I sign this Will, and for that purpose, I incorporate that section by this reference.

Testamentary Guardian and Conservator: If my wife **MARILYN K. SMYTH** fails to survive me, I nominate **CHESTER BLACK** as testamentary guardian of the person and **CHESTER BLACK** as conservator of the estate of any child of mine who is a minor at the time of my death. If **CHESTER BLACK** is unable or unwilling to act, I nominate **RHONDA BLACK** as guardian of the person of any minor child of mine.

Executed on _____.

_____

JOHN W. SMYTH, Testator

On _____, JOHN W. SMYTH, the Testator, signed the foregoing instrument as his last Will. We witnessed the signing by the Testator and we now, on the same day, sign as witnesses in the presence of the Testator and state that, to the best of our knowledge, the Testator is at least 18 years of age or older and of sound mind.

WITNESSES

_____ _____

_____

_____ _____

_____

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GENERAL DURABLE
POWER OF ATTORNEY
EFFECTIVE UPON EXECUTION

I, **JOHN W. ~~SMYTHE~~SMYTH**, a resident of ~~Washtenwa~~Washtenaw County, Michigan, designate **MARILYN K. SMYTH** as my attorney-in-fact (referred to as "the Agent") on the following terms and conditions:

1. Authority to Act. The Agent is authorized to act for me under this Power of Attorney and shall exercise all powers in my best interests and for my welfare.

2. Powers of Agent. The Agent may perform any act and exercise any power with regard to my property and affairs that I could do personally, including exercising all of the specific powers set forth below:

a. Collect and Manage. To collect, hold, maintain, improve, invest, lease, or otherwise manage any or all of my real or personal property or any interest therein. (Single space)

b. Buy and Sell. To purchase, sell, mortgage, grant options, or otherwise deal in any way in any real property or personal property, tangible or intangible, or any interest therein, upon such terms as the Agent considers proper, including the power to buy United States Treasury Bonds that may be redeemed at par to pay federal estate tax and to sell or transfer Treasury securities.

c. Borrow. To borrow money, to execute promissory notes therefor, and to secure any obligation by mortgage or pledge.

d. Business and Banking. To conduct and participate in any kind of lawful business of any nature or kind, including the right to sign partnership agreements, continue, reorganize, merge, consolidate, recapitalize, close, liquidate, sell, or dissolve any business and to vote stock, including the exercise of any stock options and the carrying out of any buy-sell agreement; to receive and endorse checks and other negotiable paper, deposit and withdraw funds (by check or withdrawal slips) that I now have on deposit or to which I may be entitled in the future in or from any bank, savings and loan, or other institution.

e. Tax Returns and Reports. To prepare, sign, and file separate or joint income, gift, and other tax returns and other governmental reports and documents; to consent to any gift,

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to file any claim for tax refund; and to represent me in all matters before the Internal Revenue Service.

~~ef~~. Safe Deposit Boxes. To have access to any ~~safety~~safe deposit box registered in my name alone or jointly with others, and to remove any property or papers located therein.

~~fg~~. Proxy Rights. To act as my Agent or proxy for any stocks, bonds, shares, or other investments, rights, or interests I may now or hereafter hold.

~~gh~~. Government Benefits. To make application to any governmental agency for any benefit or government obligation to which I may be entitled.

~~hi~~. Legal and Administrative Proceedings. To engage in any administrative or legal proceedings or lawsuits in connection with any matter herein.

~~ij~~. Life Insurance. To exercise any incidents of ownership I may possess with respect to policies of insurance, except policies insuring the life of my Agent.

~~jk~~. Transfers in Trust. To transfer any interest I may have in property, whether real or personal, tangible or intangible, to the trustee of any trust that I have created for my benefit.

~~kl~~. Delegation of Authority. To engage and dismiss agents, counsel, and employees, in connection with any matter, upon such terms as my Agent determines.

3. Restrictions on Agent's Powers. Regardless of the above statements, my Agent (a) cannot execute a will, a codicil, or any will substitute on my behalf; (b) cannot change the beneficiary on any ~~like~~life insurance policy that I own; (c) cannot make gifts on my behalf; and (d) may not exercise any powers that would cause assets of mine to be considered taxable to my Agent or to my Agent's estate for purposes of any income, estate, or inheritance tax.

4. Durability. This durable Power of Attorney shall not be affected by my disability and shall continue in effect until my death or until revoked by me in writing or in accordance with the statutes of Michigan.

5. Reliance by Third Parties. Third parties may rely upon the representations of the Agent as to all matters regarding powers granted to the Agent. No person who acts in reliance on the representations of the Agent or the authority granted under this Power of Attorney shall incur any liability to me or to my estate for permitting the Agent to exercise any power prior to actual knowledge that the Power of Attorney has been revoked or terminated by operation of law or otherwise.

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6. Indemnification of Agent. No agent named or substituted in this power shall incur any liability to me for acting or refraining from acting under this power, except for such agents own misconduct or negligence.

7. Original Counterparts. ~~Photo copies~~Photocopies of this signed Power of Attorney shall be treated as original counterparts.

8. Revocation. I hereby revoke any previous Power of Attorney that I may have given to deal with my property and affairs as set forth herein.

~~8~~9. Compensation. The Agent shall be reimbursed for reasonable expenses incurred while acting as Agent and may receive reasonable compensation for acting as Agent.

~~9~~10. Substitute Agent. If **MARILYN K. ~~SMITH~~SMYTH** is, at any time, unable or unwilling to act, I then appoint **JASON W. SMYTH** as my Agent.

Date _____

Signed in the presence of:

_____ _____

JOHN W. SMYTH

_____

Signed and sworn to before me in Washtenaw County, Michigan, on

_____

_____ _____

Notary's Commission Notary's Signature

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Drafted by:
Sandra A. Davis (P11111)
5719 West Main Street
Ann Arbor, MI 48106
(313) 555-5555

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FIRST CODICIL TO THE
LAST WILL AND TESTAMENT
OF JOHN W. SMYTH

I, **JOHN W. SMYTH**, of Washtenaw County, Michigan, do make, publish, and declare this to be a Codicil to my Last Will and Testament dated September 30, 199_, as follows:

I delete the Article V, Fiduciaries, Independent Personal Representative, paragraph and substitute in its place the following paragraph:

V
FIDUCIARIES

Independent Personal Representative. I nominate my son Jason W. Smyth to serve as independent personal representative without bond. If he predeceases me, declines to act, or, having qualified, resigns, dies, or is removed, I nominate my daughter Marlene K. Smyth to serve as independent personal representative without bond. I give unto my said Personal Representative all of the powers that are given to an independent personal representative under Section 334 of the Michigan Revised Probate Code as that section exists on the date that I sign this Will, and for that purpose, I incorporate that section by this reference.

In all other respects, I ratify, affirm, and republish my said Will dated September 30, 199

IN WITNESS WHEREOF, I have executed this Codicil on _____.

_____
JOHN W. SMYTH

We, the undersigned, each witnessed the Testator sign his name to the foregoing instrument and his acknowledgment that said instrument is his Codicil to his Last Will and Testament dated September 30, 199

_____ _____
_____ _____
_____
_____

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September 1, 199_

Mr. and Mrs. John W. Smyth
146 Montgomery Lane
Dexter, MI 48130

Dear Mr. and Mrs. Smyth:

Enclosed for your review are copies of your proposed Wills and Powers of Attorney.

After you have reviewed these documents, please call my office to make an appointment to come in and sign the originals.

If there are any changes or corrections, let me know when you call so we can make the necessary changes before your appointment. Thank you.

Very truly yours,

Sandra A. Davis

xxx

Encs

September 15, 199_

Mr. and Mrs. John W. Smyth
146 Montgomery Lane
Dexter, MI 48130

Dear Mr. and Mrs. Smyth:

This letter is to acknowledge that we have your Last Wills and Testament and Durable General Powers of Attorney dated September 15, 1996, which are to be held by this office in our vault for safekeeping.

If in the future you desire to make any changes in these documents or wish to withdraw them from this office, please contact us and we will endeavor to follow your instructions.

It has been a pleasure to be of assistance to you, and should you require anything further, please contact us.

Very truly yours,

Sandra A. Davis

xxx

STATE OF MICHIGAN

IN THE WASHTENAW COUNTY PROBATE COURT

In the matter of the
ESTATE OF JOHN W. SMYTH,
Deceased.
_____/

File No. _____

SWORN STATEMENT OF NO ASSETS

MARILYN K. SMYTH, being sworn, states:

1. John W. Smyth died on September 20, 199_, a resident of Washtenaw County, Michigan.

2. I am the spouse of John W. Smyth.

3. John W. Smyth owned no assets at the time of his death which require probate court proceedings.

Dated _____

_____
MARILYN K. SMYTH

Signed and sworn to before me in Washtenaw, County, Michigan, on _____, 199_.

_____ _____
Notary's Commission Notary's Signature

_____
Sandra A. Davis (P11111)
5719 West Main Street
Ann Arbor, MI 48106

Approved, SCAO

JDC CODE: COP

STATE OF MICHIGAN PROBATE COURT COUNTY OF WASHTENAW	PETITION FOR COMMENCEMENT OF PROCEEDINGS ☐ Supervised ☒ Independent ☐ Small estate	FILE NO. 9_-_____-IE

Estate of MARILYN K. SMYTH, Deceased

1. I, Marlene K. Smyth (Name), am interested in the estate and make this petition as daughter and nominated personal representative (Relationship) of the deceased.

2. Decedent information: 12/05/__ (Date of death) 1:35 a.m. (Time (if known)) 67 (Age) 555-55-5555 (Social Security Number)

3. Decedent ☒ did ☐ did not leave a will, dated 9/30/__. Subscribing witnesses are: (Student Name) and Sandra A. Davis

4. At date of death, decedent was an inhabitant and resident of Village of Dexter (City/Township/Village), in this County and/or left an estate to be administered in this County with the estimated value: Real estate $ 1 or more

Personal estate $ 1 or more

5. The names, ages relationships and residences of the heirs-at-law, devisees and other interested persons are:
(Identify children of the deceased who are not issue of the surviving spouse)

NAME	AGE	RELATIONSHIP Also indicate if devisee	RESIDENCE
Marlene K. Smyth	18+	Daughter/ Devisee	(make up address)
Madelyn K. Smyth	18+	Daughter/ Devisee	(make up address)
Jason W. Smyth	18+	Son/Devisee	(make up address)

PLEASE SEE OTHER SIDE

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5. (continued)

NAME	AGE	RELATIONSHIP Also indicate if devisee	RESIDENCE

6. Of the above interested persons, the following are under legal disability or otherwise represented and presently have or will require representations as follows:

NAME	LEGAL DISABILITY	REPRESENTED BY Name, address, and capacity

7. I further represent: that no supervised probate proceeding affecting this estate has been initiated.

8. I request:

☒ the will be admitted to probate and administration be granted to Marlene K. Smyth (Name), personal representative named in the will, who resides at (make up address) (Complete address)

☐ administration of the estate be granted to _____ (Name), who resides at _____ (Complete address)

or to some other suitable person.

9. I further request that this be a ☐ supervised ☒ independent ☐ small estate (MCL 700.101) administration.

10. I further request: I accept appointment as independent personal representative and submit personally to the jurisdiction of the Court in any proceeding relating to the estate.

I declare that this petition has been examined by me and that its contents are true to the best of my information, knowledge, and belief

Date

Attorney signature

Sandra A. Davis P11111

Attorney name (type or print) Bar no

5719 West Main Street

Attorney address

Ann Arbor, MI 48106 (313) 555-5555

City, state, zip Telephone no

Petitioner signature

MARLENE K. SMYTH

Petitioner name (type or print)

(make up address)

Petitioner address

City, state, zip Telephone no

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7/91

Approved, SCAO

OSM CODE TES

STATE OF MICHIGAN PROBATE COURT COUNTY OF WASHTENAW	TESTIMONY INTERESTED PARTIES	FILE NO. 9_-_____-IP

Estate of MARILYN K. SMYTH, Deceased

1. What is your name and address? Marlene K. Smyth, (address)

2. How are you related to the deceased, or how do you know the deceased's family? Daughter

3. What was the date and time of death and domicile (residence) at the date of death of the deceased? 12/05/__ (Date)

1:35 a.m. (Time) 146 Montgomery Lane, Dexter, Michigan 48130 (Address)

NOTE: FOR THE FOLLOWING QUESTIONS TREAT ALL PERSONS WHO DIED WITHIN 120 HOURS AFTER THE DECEASED AS IF THEY DID NOT SURVIVE THE DECEASED. List persons who died within 120 hours after the Deceased in item 14 below.

4. Did the deceased leave a spouse surviving? No If yes, name:

5. a. Did the deceased ever have any natural children (born in or out of wedlock) or any adopted children? Yes

If yes, name: Marlene K. Smyth, Madelyn K. Smyth, and Jason W. Smyth

b. Were any of the children listed in 5.a. adopted by others? No If yes, name:

c. Were any of the children listed in 5.a. not children of the surviving spouse? NO If yes, name:

Answer question 6 only if the answer to question 5.a. is yes.

6 a. Did any of the children listed in 5 a. die before the deceased? No If yes, name:

b. Did any of the children listed in 6 a. leave issue, either natural or adopted, who survived the deceased? _____
If yes, give their name(s) and the name(s) of their deceased parent and the relationship of their parent to the deceased

c. Were any of these issue listed in 6 b. adopted by others? _____ If yes, name:

PLEASE SEE OTHER SIDE

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110

MCL 700.132, MSA 27.5132, MCL 700.147, MSA 27.5147

If the deceased left no surviving issue, answer the following question:

7. Did the deceased leave a father or mother surviving? _____ If yes, name: _____

_____

If deceased is not survived by spouse, issue or parents, answer questions 8. and 9.

8. Did the deceased ever have brothers or sisters, either natural or adopted, and either of the whole or half blood, who were not adopted by others? _____ If yes, name those who survived the deceased: _____

_____

9. Did any brothers and sisters die before the deceased leaving children, either natural or adopted, who survived the deceased and had not been adopted by others? _____ If yes, give the names of these nephews and nieces, and name(s) of their deceased parent: _____

If the deceased was not survived by spouse, issue, parent, brother, sister, or children of deceased brother or sister, answer questions 10. and 11.

10. Did the deceased leave grandparents who survived the deceased? (Note: identify both maternal and paternal grandparents)

_____ If yes, name: _____

11. If both maternal grandparents and/or both paternal grandparents died before deceased, list their surviving issue and relationship to grandparents:
Maternal grandparents: _____

_____

Paternal grandparents: _____

_____

12. Are any of the heirs listed above under any legal disability? No If yes, list name(s), identify legal disability, and indicate by whom such person is represented _____

13. Did any presently deceased heirs survive the decedent by more than 120 hours? _____ If yes, list name(s) and indicate who represents his or her interest _____

14. List persons who did not survive the deceased by 120 hours, their relationship to the deceased, and the date and time of their death

NAME	RELATION	DATE OF DEATH	TIME OF DEATH

If the deceased left a will, and if any of the devisees named in the will and codicils are not heirs of the testator, also complete a supplemental testimony form.

Witness signature MARLENE K. SMYTH

Subscribed and sworn to before me on _____ (Date), Washtenaw County, Michigan

My commission expires _____ (Date) Signature: _____

Judge/Deputy register/Notary public Sandra A. Davis P11111 Bar no

Attorney signature Sandra A. Davis (P11111)

Name (type or print) Bar no

5719 West Main Street

Address

Ann Arbor, MI 48106 (313) 555-5555

City, state, zip Telephone no

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7/95
OSM CODE RIO

STATE OF MICHIGAN PROBATE COURT COUNTY OF WASHTENAW	REGISTER'S ORDER Independent Probate	FILE NO. 9_-_____-I

Estate of MARILYN K. SMYTH, Deceased

1. Date of hearing: _____ Register: _____

2. A petition has been filed by Marlene K. Smyth (Name) requesting

☒ independent probate of the estate of the above named deceased.
☐ the estate be reopened and the former independent personal representative be reappointed.

3. It appears that the decedent died ☒ testate. ☐ intestate.

☐ 4. There is good cause to reopen the estate and reappoint the former independent personal representative.

IT IS ORDERED:

☒ 5. Independent probate is granted.

☒ a. The last will of decedent dated 9/30/____ and codicils dated None are admitted to probate.

☐ b. The estate is reopened for _____ days.

☒ c. Marlene K. Smyth, (address)
Name Address

is appointed independent personal representative, and

☒ an acceptance of trust shall be filed.
☐ bond of $_____ should be filed.

☐ 6. Independent probate is denied for the following reason(s): _____

☐ 7. Pending granting of independent probate.

Name Address

is appointed temporary personal representative, and

☐ an acceptance of trust shall be filed
☐ bond of $_____ should be filed.

Date

Register

Sandra A. Davis (P11111)
Attorney name (type or print) Bar no

5719 West Main Street
Address

Ann Arbor, MI 48106 (313) 555-5555
City, state, zip Telephone no

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PC 150 (1/95) REGISTER'S ORDER, Independent Probate

MCL 700.306-.311, MSA 27.5306-.5311, MCR 5.709(J)

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OSM CODE 1/96 LET

STATE OF MICHIGAN PROBATE COURT COUNTY OF WASHTENAW	LETTERS OF AUTHORITY Independent Probate	FILE NO. 9_-_____-IE

Estate of MARILYN K. SMYTH, Deceased

1. Independent probate has been granted in this estate.

☐ 2. The deceased died intestate.

☒ 3. The last will of the deceased has been filed and admitted.

☐ 4. The estate has been reopened for _____ days.

5. Marlene K. Smyth
Name

(address)
Address

City, state, zip Telephone no.

has been appointed independent personal representative and is granted full power and authority to collect, manage, and dispose of all of the property of the estate, and to perform all acts permitted or required by law and rule, and to do so without court supervision.

6. These letters of authority expire _____.
15 months from date of issue or less for a reopened estate

Date Register

I certify that I have compared this copy with the original on file and that it is a correct copy of the original and that these letters are in full force and effect as of the date on the letters.

Date Register

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JDC CODE AOT

STATE OF MICHIGAN PROBATE COURT COUNTY OF WASHTENAW	ACCEPTANCE OF TRUST	FILE NO. 9_-_____-IE

In the matter of MARILYN K. SMYTH, Deceased

I have been appointed Independent Personal Representative (Type of fiduciary) of the person/estate.

I accept the trust according to the appointment and agree to file reports and to perform all duties required by law.

Date

Signature

MARLENE K. SMYTH
Name (type or print)

(address)
Address

City, state, zip — Telephone no

Sandra A. Davis P11111
Attorney name — Bar no

5719 West Main Street
Attorney address

Ann Arbor, MI 48106 (313) 555-5555
City, state, zip — Telephone no

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114

PC 14 (8/87) ACCEPTANCE OF TRUST

LEGAL OFFICE SPECIALIST

Litigation

Answer Key

Acquittal — A judgment of not guilty in a criminal case.

Ad litem — For the suit or action.

Adversary Proceeding — An action contested by opposing parties.

Alibi — Elsewhere; in another place.

Alii — Others.

Allegation — A declaration, assertion, or claim of fact or law.

Amicus Curiae — One who is not a party to a case but who is interested in or affected by its outcome and is allowed by the court to introduce argument or evidence to assist the court in adjudicating the case.

Answer — The legal paper in which the defendant answers the claims of the plaintiff in a lawsuit.

Appeal — An application to a higher court to change the judgment of a lower court.

Appearance — (1) Coming into court, the formal act by which a defendant submits to the jurisdiction of a court. (2) Document identifying one who is representing himself or another. An attorney files an "appearance," making it known to the court and the other parties that (s)he is representing a specific individual.

Arraignment — A hearing by the court in which the defendant is informed of the charges against him or her, is appointed counsel if necessary, and is permitted to plead to the charges. Pretrial motions may be made and bail is set.

Certain definitions are adapted in part from the *Handbook of Legal Terms* (1989) available from the Michigan Judicial Institute, P.O. Box 30305, Lansing, Michigan 48909.

Bail — A method of pretrial release of an accused person by means of having accused or someone on his or her behalf post security to insure his or her appearance at later proceedings, such as trial.

Bailiff — A court employee who maintains order in the courtroom and who is responsible for the custody of the jury, among other functions.

Bond — A promise or contract to do or perform a specific act(s) or to pay a penalty for failure to perform, usually guaranteed by a "surety" who promises to pay if the "principal" defaults, or by deposit of money as a "cash bond." Means basically the same as "bail" on criminal cases; contract to pay; security. A contract to pay when another person defaults — a surety. A contract to act as surety and to pay where the principal defaults. It is given by public officers to guarantee honest and faithful performance of their official duties while in office.

Brief — A written argument submitted to the court by counsel setting forth facts and/or law supporting his or her client's case.

Caption — Heading or introductory part of a court document.

Case — A legal dispute brought into court. The events, facts, and circumstances which entitle a person to recover damages or other remedies by bringing a civil case, action, or lawsuit in a court of law.

Circuit Court — The trial court of general jurisdiction in Michigan. Divorces and felonies are tried in this court. Circuit court has superintending control over the district court and probate court in the circuit.

Citation — (1) The court copy (original) of the "traffic ticket" is the citation, and also serves as the original complaint in the case. (2) Also can be reference to an authority (such as case or statute), that supports a statement of law or from which a quotation is taken. Citations occur most frequently in briefs.

Civil Action — Generally, noncriminal cases concerning the claim of one private individual against another.

Complaint — The original pleading in a civil action means the original pleading in which the plaintiff alleges the basis for the suit. Complaint in a criminal action means a written accusation, under oath or upon affirmation, that a felony, misdemeanor, or ordinance violation has been committed, and that there is probable cause that the person is guilty of the offense.

Counterclaim — A claim asserted by a defendant against the plaintiff in the course of suit; in

Certain definitions are adapted in part from the *Handbook of Legal Terms* (1989), available from the Michigan Judicial Institute, P.O. Box 30205, Lansing, Michigan 48909.

essence, a counter-lawsuit within a lawsuit

Crime — An act in violation of criminal law; an offense against the state of Michigan. Punishable by imprisonment or a fine other than a civil fine.

Default — A failure to do what ought to be done, i.e., when a defendant does not plead within the time allowed or fails to appear for trial.

Defendant — The person against whom a lawsuit is started or a crime charged.

Deposition — Testimony taken down and transcribed in writing by question and answer under oath of a party or other witnesses who because of illness or distance or other good reason cannot be in court. This is read in court and to the extent it is admitted by the judge becomes evidence just as if the person were physically present. Videotaped depositions are also permitted.

Discovery — Procedures available to a party to a lawsuit, or petition for a particular request to ascertain facts relating to the issue to be determined which are known to other parties or witnesses, in order to enable the party to prepare for trial.

District Court — All criminal cases are commenced in district court. Felony cases may be bound over to circuit court after preliminary examination or waiver. Misdemeanors are tried in district court. Civil cases under $10,000 and summary proceedings for possession of real estate constitute most of the civil caseload.

Docket — A written list of all important acts done in court in the conduct of an individual case from beginning to end. This is properly called a "case docket." The docket (for acts done), the case file (for documents filed), and any transcript of proceedings together form the "record" or a court of record. This word is often improperly used interchangeably with "calendar."

Domicile — The permanent home to which a person, when absent, always intends to return.

Duces tecum — It means "bring with you." On a subpoena it means that you must bring your records or other specified material into court with you.

Et — And, also.

Et alii — (Abbreviated et al.) And others.

Ex parte — By or for or on the request of one party only, without notice to any other party.

Certain definitions are adapted in part from the *Handbook of Legal Terms* (1989) available from the Michigan Judicial Institute, P.O. Box 30305, Lansing, Michigan 48909.

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Friend of the Court — An official connected with the circuit court who investigates and advises the circuit court in domestic relations cases involving minor children and also provides enforcement of court orders in those cases.

Garnishment — A court order to take part of a person's wages or other money owed to him or her before he or she receives the money, because of an unpaid debt owed to a creditor who has obtained a judgment against the debtor.

Habeas corpus — "You have the body," the name of a writ used to bring a person before a court or judge. Generally, the writ is addressed to an official or person who holds another. It commends him or her to produce the detained person in court so that the court may determine whether that person is being denied his or her freedom lawfully.

Hearing — A term for a court proceeding before or after the trial of a suit.

Impeachment of witness — Questioning of a witness by an adverse party that attempts to cast doubt on the credibility (believability) of the witness.

Incarceration — Commitment to jail or prison.

Indictment — Formal accusation, "true bill," presented by a grand jury which charges a person with a crime.

Injunction — A writ restraining a person from doing or continuing to do something that threatens or causes irreparable injury; or requiring the defendant to do a particular act.

Interrogatories — Written questions presented to a party to a suit, witness, or other person having information or interest in a case.

Judge — Presiding officer of the court.

Judgment — The decision of a court of law.

Jurisdiction — (1) Area or subject matter of legal control or authority. Not necessarily a geographical area. Example: The circuit court has jurisdiction over divorce cases. (2) Also refers to a person or entity over whom or over which the court has some right to decide rights and responsibilities. Example: The court has jurisdiction over a person who has been properly served with a summons in a pending case, or who has been arraigned in a criminal case. The probate court has jurisdiction over estates of decedents who died residents of the county or district in which the court is located.

Certain definitions are adapted in part from the *Handbook of Legal Terms* (1989) available from the Michigan Judicial Institute, P.O. Box 30305, Lansing, Michigan 48909.

Jury — A body of men and/or women sworn to consider the evidence presented and to deliver a true verdict or decision in a judicial proceeding. There are six jurors for district court in civil and criminal matters and 12 for criminal matters in circuit court. There are six jurors in probate court (estates and juvenile cases).

Lis pendens — A pending lawsuit.

Litigation — The process of resolving a dispute over legal rights in court.

Magistrate — Used generally, this title means a judge. In Michigan, a district court magistrate is a quasi-judicial official of the district court given the power to set bail, accept bond, accept guilty pleas, and sentence for traffic and other related violations, and to conduct informal hearings on civil infractions.

Mediation — A process that parties can use to reach their own agreements without going to court. A mediation decision is not ordinarily binding on the parties.

Misdemeanor — A violation of a penal law of this state which is not a felony, or a violation of an order, rule, or regulation of a state agency that is punishable by imprisonment or by a fine that is not a civil fine.

Motion — An application to the court for the purpose of obtaining a certain order or decision in favor of the applicant.

Nee — Word used to show maiden family name of a married woman.

Order — A direction of a court made or entered in writing. One which terminates the action itself, or decides some matter litigated by the parties.

Parole — Conditional release from prison before the end of sentence; if the parolee observes the conditions, he or she need not serve the rest of his or her term.

Peremptory Challenge — The right of the prosecution or defendant to challenge (remove) a certain number of jurors without giving any cause or reason. The right of the parties at a hearing to challenge a certain number of jurors without giving cause.

Plaintiff — In civil cases, the person who initiates the lawsuit is the plaintiff. In criminal matters, the prosecuting attorney is the plaintiff.

Plea — The defendant's response to a criminal charge (guilty, not guilty, or nolo contendere).

Certain definitions are adapted in part from the *Handbook of Legal Terms* (1989) available from the Michigan Judicial Institute, P.O. Box 30205, Lansing, Michigan 48909.

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Praecipe — A form formerly used to ask a court clerk to do something (such as issue a summons after a complaint is filed, etc.)

Probable Cause — A reasonable ground for believing the facts justify issuance of a warrant, or further legal action.

Pro per — A person who represents himself or herself in court without the aid of a lawyer.

Respondent — A party against whom a motion is filed in the course of a lawsuit; analogous to a defendant or an appellee.

Service of Process — The service of writs, summonses, etc.; signifies the delivering or leaving of such documents with the party to whom or with whom they ought to be delivered or left; and, when they are so delivered, they are then said to have been served.

Stare decisis — The doctrine that the decisions of the court should serve a precedents for future cases.

Statutes — Laws in the state of Michigan enacted by the state legislature.

Statute of Frauds — A legal doctrine or rule that certain types of agreements must be in writing or they will not be enforced by the courts.

Statute of Limitations — (1) Civil — A statutory time limit on the right to seek relief in court for damages, providing that any claim for relief shall be barred unless begun within a specific period of time following the alleged wrong. (2) Criminal — The mandatory time limit set by statute to commence prosecution.

Stipulation — An agreement between opposing attorneys on any matter relating to the proceedings or trial, i.e., to extend the time to answer, to adjourn the trial date, to admit certain facts at the trial, etc. Often requires court approval to be effective.

Subpoena — A writ or order to compel attendance in a court with a penalty for failure to do so.

Summons — A notice given to a party stating that proceedings have been instituted against him or her and directing that the person appear in court at a given date and time to answer the complaint; and further, should he or she fail to answer, a judgment will be entered against him or her.

Trial Court — The court where trial took place. In Michigan, there are three trial courts: district,

Certain definitions are adapted in part from the *Handbook of Legal Terms* (1989) available from the Michigan Judicial Institute, P.O. Box 30305, Lansing, Michigan 48909.

circuit, and probate court.

Venue — The county in which proceedings may be instituted.

Verdict — The jury's decision or finding on the issues submitted to it for determination.

Voir Dire Exam — The preliminary examination into the qualifications and potential biases of prospective witnesses or jurors.

With Prejudice — A claim dismissed "with prejudice" means that the plaintiff in a civil case or the prosecution in a criminal case is forever barred from bringing a lawsuit or a new criminal proceeding.

Without Prejudice — A claim dismissed "without prejudice" may be the subject of a new lawsuit or a new criminal proceeding.

Witness — One who testifies to what he or she has been, heard, or otherwise observed.

Writ — A court order giving the authority to require the performance of a specific act.

Certain definitions are adapted in part from the *Handbook of Legal Terms* (1989) available from the Michigan Judicial Institute, P.O. Box 30305, Lansing, Michigan 48909

STATE OF MICHIGAN

IN THE WASHTENAW COUNTY CIRCUIT COURT

ABC DELTA DOORS, a
Michigan corporation,

Plaintiff.

v

XYZ CONSTRUCTION INC., a
Michigan corporation,

Defendant.

Case No. 9_-_____-CK

Hon. _____

COMPLAINT

Sandra A. Davis (P11111)
Attorney for Plaintiff
5719 West Main Street
Ann Arbor, MI 48106
(313) 555-5555

Plaintiff, by its attorney Sandra A. Davis, for its Complaint against Defendant says:

1 Plaintiff is a Michigan corporation with its office in Washtenaw County, Michigan.

2 Defendant is a Michigan corporation with its office in Washtenaw County, Michigan.

3 Between the dates March 17, 199_, and October 24, 199_, Plaintiff sold and delivered to Defendant certain goods and materials upon open account and upon Defendant's promise to pay.

4 There is now an unpaid balance on this open account in the amount of $15,575.23.

5 This account has become stated between the parties.

6. As a consequence of the foregoing, the Defendant is justly indebted to the Plaintiff in the amount of $15,575.23 plus interest from the date of this Complaint plus the cost of this suit.

7. A copy of the account and an affidavit verifying the same are attached as Plaintiff's Exhibits A and B.

Plaintiff requests the Court to enter a judgment in Plaintiff's favor and against the Defendant in the amount of $15,575.23 plus interest, costs, and attorney fees.

Date: _____

_____
Sandra A. Davis (P11111)
Attorney for Plaintiff

STATE OF MICHIGAN

IN THE WASHTENAW COUNTY CIRCUIT COURT

ABC DELTA DOORS, a
Michigan corporation,

Plaintiff,

v

XYZ CONSTRUCTION INC., a
Michigan corporation,

Defendant /

Case No. 9_-_____-CK

Hon. _____

AFFIDAVIT OF ACCOUNT

Sandra A. Davis (P11111)
Attorney for Plaintiff
5719 West Main Street
Ann Arbor, MI 48106
(313) 555-5555

_____/

JOHN SMITH, being sworn, says:

1. This Affidavit is made on behalf of ABC Delta Doors, a Michigan corporation, and has been authorized by said corporation.

2. This Affidavit is based on the books and records of ABC Delta Doors, a Michigan corporation.

3. The books and records show that XYZ Construction Inc., a Michigan corporation, is justly indebted to ABC Delta Doors in the amount of $15,575.23 above all legal setoffs and counterclaims as of this date.

Date: _____

_____
JOHN SMITH, President of
ABC Delta Doors

Signed and sworn to before me in Washtenaw County, Michigan, on _____, 199_.

EXHIBIT "B"

Notary's Stamp

Notary's Signature

Sandra A. Davis (P11111)
Attorney for Plaintiff

STATE OF MICHIGAN

IN THE WASHTENAW COUNTY CIRCUIT COURT

ABC DELTA DOORS, a
Michigan corporation,

Plaintiff,

v

XYZ CONSTRUCTION INC., a
Michigan corporation,

Defendant. /

Case No. 9_-_____-CK

Hon. _____

NOTICE OF TAKING DEPOSITION

Sandra A. Davis (P11111)
Attorney for Plaintiff
5719 West Main Street
Ann Arbor, MI 48106
(313) 555-5555

(Name of Attorney)
Attorney for Defendant
(Address)
(Phone)
_____/

TO: (Defendant's Attorney)
(Address)

and

Quick Court Reporters
2929 Holiday Drive
Ann Arbor, MI 48103

Please take notice that the deposition of Jane Doe, President of XYZ Construction Inc., will be taken for the purposes of discovery and all other uses contemplated by the Michigan Court Rules, on the date and at the time and place set forth below:

DATE: Friday, May 20, 199_
TIME: 2 p.m.
PLACE: Law Office of Sandra A. Davis
TAKEN BY: Quick Court Reporters
For the attorney for the Plaintiff

Date: _____ _____

Sandra A. Davis (P11111)
Attorney for the Plaintiff

STATE OF MICHIGAN

IN THE LIVINGSTON COUNTY ~~COURT CIRCUIT~~CIRCUIT COURT

~~ABC DELTA DOORS INC.,~~MONTGOMERY ROWING COMPANY,
a Michigan corporation,

¬ Plaintiff, Case No. ~~9_22223-CK~~9_-22222-CK

v Hon. _____

~~MONTGOMERY ROWING COMPANY,~~ ABC DELTA DOORS,
a Michigan corporation,

Defendant. /

APPEARANCE

George W. Smith (P33333)
Smith & Smith
59718 Local Street
Brighton, MI 48106
(810) 555-5555
Attorney for Plaintiff

Sandra A. Davis (P11111)
5719 West Main Street
Ann Arbor, MI 48106
(313) 555-5555
Attorney for Defendant
/

I appear on behalf of Defendant ~~ACB~~ABC Delta Doors ~~Inc~~ as attorney and request ~~copioes~~copies of all papers filed in this case. I was retained by Defendant ABC Delta Doors ~~Inc~~ and certify that I represent no other interest whatsoever of any party to this ~~cuase~~cause.

Date _____

_____
Sandra ~~B~~A. Davis (~~P11121~~P11111)
Attorney for the Defendant

STATE OF MICHIGAN

IN THE LIVINGSTON COUNTY CIRCUIT COURT

MONTGOMERY ROWING COMPANY, a Michigan corporation,

Plaintiff,

v

ABC DELTA DOORS, a Michigan corporation,

Defendant. /

Case No. 9_-22222-CK

Hon. _____

MOTION TO SET ASIDE DEFAULT JUDGMENT

George W. Smith (P33333)
Smith & Smith
59718 Local Street
Brighton, MI 48106
(810) 555-5555
Attorney for Plaintiff

Sandra A. Davis (P11111)
5719 West Main Street
Ann Arbor, MI 48106
(313) 555-5555
Attorney for Defendant

/

Defendant, by its attorney Sandra A. Davis, requests that this Court set aside the default which was entered against the Defendant on November 1, 199_, because Defendant thought it would be notified of a court date and did not need to take any action until that time. The Defendant has a meritorious defense and a valid counterclaim against Plaintiffs.

Date _____

_____
Sandra A. Davis (P11111)
Attorney for the Defendant

STATE OF MICHIGAN

IN THE LIVINGSTON COUNTY CIRCUIT COURT

MONTGOMERY ROWING COMPANY, a Michigan corporation,

Plaintiff,

v

ABC DELTA DOORS, a Michigan corporation,

Defendant. /

Case No. 9_-22222-CK

Hon. _____

NOTICE OF HEARING

George W. Smith (P33333)
Smith & Smith
59718 Local Street
Brighton, MI 48106
(810) 555-5555
Attorney for Plaintiff

Sandra A. Davis (P11111)
5719 West Main Street
Ann Arbor, MI 48106
(313) 555-5555
Attorney for Defendant

Defendant's Motion to Set Aside Default is set for argument in the courtroom of Judge Smith on Friday, December 15, 199_, at 9 a.m.

Date _____

_____
Sandra A. Davis (P11111)
Attorney for the Defendant

November 12, 199_

Mr. George W. Smith
Smith & Smith
59718 Local Street
Brighton, MI 48106

RE: Montgomery Rowing Co v ABC Delta Doors

Dear Mr. Smith:

Enclosed are copies of a Motion to Set Aside Default and Notice of Hearing. Please note the hearing is set for December 15, 199_, at 9 a.m.

Very truly yours,

Sandra A. Davis

xxx

Encs

120

Approved, SCAO

1st copy - Defendant
2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT Washtenaw JUDICIAL CIRCUIT	SUMMONS AND COMPLAINT	CASE NO. 9_-_____-CK

Court address: 101 E. Huron Street, Ann Arbor, MI 48107-8645

Court telephone no.: (313) 551-5551

Plaintiff name(s), address(es), and telephone no(s).	v	Defendant name(s), address(es), and telephone no(s).
ABC DELTA DOORS, a Michigan corporation (Address)		**XYZ CONSTRUCTION INC.**, a Michigan corporation (Address)
Plaintiff attorney, bar no., address, and telephone no. Sandra A. Davis (P11111) 5719 West Main Street Ann Arbor, MI 48106 (313) 555-5555		

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. YOU HAVE 21 DAYS after receiving this summons to file an answer with the court and serve a copy on the other party or to take other lawful action (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued	This summons expires	Court clerk

*This summons is invalid unless served on or before its expiration date

☐ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.

☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ (Name of court). The docket number and assigned judge are:

Docket no	Judge	Bar no

The action ☐ remains ☐ is no longer pending.

VENUE

Plaintiff(s) residence (include city, township, or village)	Defendant(s) residence (include city, township, or village)
(Address of Plaintiff) Washtenaw County	(Address of Plaintiff) Washtenaw County

Place where action arose or business conducted: Washtenaw County, Michigan

I declare that the complaint information above and attached is true to the best of my information, knowledge, and belief.

Date: 1/31

Signature of attorney/plaintiff: Sandra A. Davis (P11111)

COMPLAINT IS STATED ON ATTACHED PAGES. EXHIBITS ARE ATTACHED IF REQUIRED BY COURT RULE.

MC 01 (6/95) **SUMMONS AND COMPLAINT** MCR 2.102(B)(11), MCR 2.104, MCR 2.107, MCR 2.113(C)(2)(a), (b)

208
8/89

Approved, SCAO

PROBATE JDC CODE: POM

STATE OF MICHIGAN Livingston JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	PROOF OF MAILING	CASE NO. 9_-22222-CK

Court address

P.O. Box 999, Howell, Michigan 99999-0999

Court telephone no.

(517) 555-5555

Plaintiff(s)		Defendant(s)
MONTGOMERY ROWING COMPANY, a Michigan corporation	v	**ABC DELTA DOORS**, a Michigan corporation

☐ Juvenile In the matter of _____

☐ Probate In the matter of _____

On the date below I sent by first class mail a copy of Motion to Set Aside Default and Notice of Hearing

to: Names and addresses

George W. Smith
Smith & Smith
59718 Local Street
Brighton, MI 48106

I declare that the statements above are true to the best of my information, knowledge, and belief

Date

Signature
(Student Name)

Name (type or print)

MC 302 (4/89) PROOF OF MAILING

132

MCR 2.107(C)(3), (D)

PART I
SECTION 3

133

INTERNET MODULES

Job Title: LEGAL OFFICE SPECIALIST

Your instructor has asked you to complete certain exercises that appear on the following pages. Whether you are completing one, a few, or all of the exercises you will be asked to keep accurate track of the time it takes you to finish each project.

The reason you are being asked to keep track of your time is because many attorneys only make their money by billing for the time they spend on a client's problem.

There are four traditional types of billing arrangements that attorneys use. These are: 1) hourly, 2) fixed fee, 3) contingent fee and, 4) combination fee.

An hourly rate is when an attorney bills their time on an hourly basis. For example, if an attorney spends 33 hours on a case for a client, the total bill would be 33 times the hourly billing rate (such as 33 x $125) plus any expenses (such as long distance telephone calls, court fees or copying charges.)

A fixed fee arrangement is when the parties agreed the attorney will provide legal services for a pre-arranged amount.

A contingent fee is usually used in cases involving defective products, car accidents or other types of personal injuries. With this type of case the attorney would typically receive 1/3 of the court or jury's award (called a judgment) plus their expenses.

A combination fee involves structuring the fee arrangement using a combination of any of the methods above. For example, an attorney may perform legal services at a reduced hourly rate in addition to receiving a smaller contingent fee.

Attorneys, legal assistants and sometimes legal secretaries need to keep time logs when their firm is billing clients on an hourly rate. As you complete these exercises, please keep track of your time on a time sheet similar to the one below:

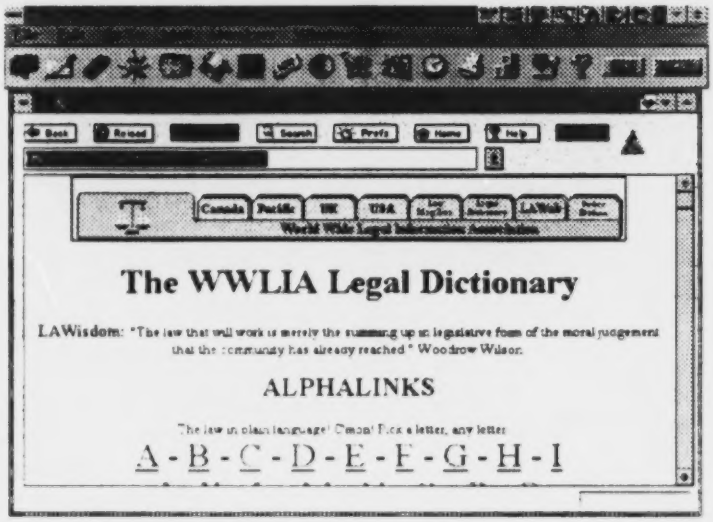
Date	Description of Assignment Completed	Time Started	Time Finished	Total

OBJECTIVE 1. Define legal terms

This exercise will allow you to create your own legal dictionary. As you come across new legal terms, you can use your dictionary to locate explanations for these words. You can also add terms and definitions to the dictionary as you complete these modules.

1) Connect to the Internet. Go to the home page for the World Wide Legal Information Association (WWLIA). It is located **at http://www.islandnet.com/~wwlia/diction.htm.** This site contains an online legal dictionary you can use to learn legal terms.

Your screen should look similar to this:



2) Locate the word **ALPHALINKS** on this page. Under this word you will see a listing of the letters in the alphabet. Click on the letter **A**.

3) You will retrieve a listing of legal words that begin with **A**. Next to each word will be a definition of the word.

4) Go down to the word **acceptance**. Read the definition. You will notice that there are other words highlighted in the definition. One of these words is **contract**. Click on the word **contract**. The computer will automatically take you to the definition for **contract**. You will notice that you are also on the definition page for the letter **C.**

5) Read the definition for **contract**. Then click on the **Back** button on your toolbar. This will take you back to the letter **A.**

6) Print the home page for the letter **A** by clicking on the **Print** button on the toolbar.

7) Go to the bottom of the **A** page. Click on the letter **B.**

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8) Go down to the phrase **burden of proof**. Read the definition and print the letter **B** page. Go to the bottom of the screen. You will see a listing for the remaining letters in the alphabet. Click on the letter **C.** Print the definitions for the letter **C.**

9) Continue with this process for the remaining letters in the alphabet. When you have printed all of the letters in the alphabet, use your word processing program to create a cover for your legal dictionary. Make sure you include a graphic on the cover.

10) Using your dictionary, choose one legal word for each letter of the alphabet. Then, write a sentence using the word. When you have completed the exercise, you will have 26 sentences.

For example, for the letter **D** you choose the word **deed**. After you read the definition for **deed** you compose the following sentence:

> When my Mom bought our house, she received a **deed** for the property from the previous owner.

11) Turn in your completed dictionary and your sentences to your teacher when you are done.

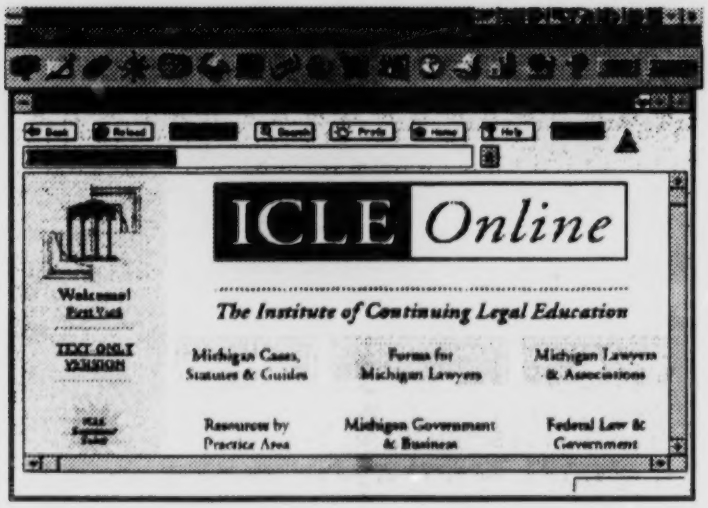
OBJECTIVE 2. Identify use of legal forms and documents.

Instructions: Attorneys and legal assistants use forms as a guide to draft documents for their clients. Most forms can be grouped into two basic areas: a) law practice forms and b) business forms.

Law practice forms include general law practice forms and court forms. General law practice forms are documents used in a law practice. An example of this kind of form would be an initial client interview form. Court forms are papers filed with a court when there is a lawsuit. An example of a court form would be a complaint. (Check your legal dictionary for the definition of a complaint.)

Business forms are used in legal dealings such as purchasing a business, selling a house or renting an apartment.

1) A variety of legal forms can be retrieved from the Internet. Several sites have copies of these forms. One excellent site that compiles many addresses for legal forms is found at the Institute for Continuing Legal Education. This Michigan-based organization is located at **http://www.umich.edu/~icle/**. Go to this address. Your screen should look like this:


ICLE Online
The Institute of Continuing Legal Education
Michigan Cases, Statutes & Guides
Forms for Michigan Lawyers
Michigan Lawyers & Associations
Resources by Practice Area
Michigan Government & Business
Federal Law & Government

Click on the box that says **Forms for Michigan Lawyers**. On this screen you will receive a listing of forms that can be used by Michigan Lawyers.

Question 1: What kinds of forms are listed?

2) Next, click on **General**. One of the options on the screen will be the 'Lectric Law Library'. Click on it. (It is located at **http://www.lectlaw.com/form.htm**.) Your next screen will have the heading **Forms Room** on it. Read the screen and go down the page to **Law Practice Forms**. Click on **Law Practice Forms**.

3) Look down the list for **General Law Practice Forms**. Click on the **Initial Client Interview Form.** This form is typical of the kinds of information sheets attorneys have clients complete. Many times attorneys use different kinds of client interview forms depending on the client's problem. For example, an attorney would ask different types of questions if they were interviewing a person who wanted to make a will than they would ask a person who needed a divorce.

Question 2: What types of questions would you add to this form if you were interviewing a client who was terminally ill and needed a will?

4) Save the document to your disk as **client.frm** for future reference. Make sure you save the file in your word processing directory to make it easier to retrieve the file at a later date.

5) Go **Back** to the **Law Practice Forms** page. Go down the screen to the listing **Litigation Forms**. These are forms that attorneys use in court cases. Read the list. When you look at these forms, you need to keep two things in mind:

a) Each state has different rules for attorneys to use when they draft a court form. The forms on the Internet are just guides so the

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attorney will have to change the form to make sure they follow the rules for their court and their state.

b) Each client will have a special problem. The attorney will have to take a form and make changes to it to match the client's situation.

6) Click on **Affidavit.** Check your dictionary for the definition of an affidavit. Sometimes a court rule requires an attorney to file an affidavit with the court. Your definition might say that an affidavit includes "a sworn statement."

Question 3: What does that mean?

7) Save a copy of the document to your disk as **affidav.frm** for future reference.

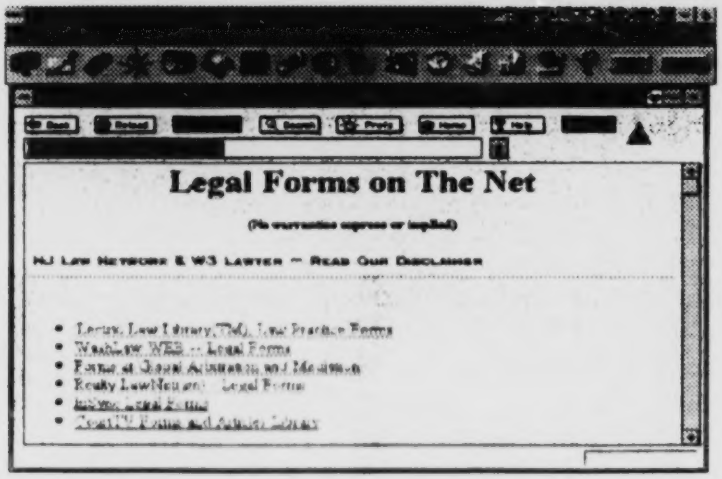
8) Go back to your list of documents. Look **at Order**. An **Order** is a ruling (either verbal or written) made by a judge that people must follow. Judges put their rulings in writing so everyone in a case is clear what the decision of the judge is. For example, if Mr. and Mrs. Jones are getting divorced and both parents will have custody of their children, the judge will write and sign an order that states that fact.

9) Save a copy of the document to your disk as **order.frm** for future reference.

10) Look at **Stipulation to Agreed Facts in Pending Action**. Sometimes attorneys will agree that certain things happened in a case. If this happens, the attorneys will write up their agreement as a **Stipulation** and file it with the Court. This makes a case go faster in court if the parties agree to certain things. For example, if both parties agree that the Michigan Insurance Company insured Mr. and Mrs. Green's home they could stipulate in writing to that fact.

11) Save a copy of the document to your disk as **stip.frm** for future reference.

12) Another place to go for forms is a site called "Legal Forms on the World Wide Web." It is located at **http://www.njlawnet.com/forms.html**. Go to this site. You will retrieve a home page that looks similar to this.



13) To learn more about legal forms, click on **InSync Legal Forms**. Then click on the phrase **Forms and Agreements**. This page called **Forms Directory** will have a list of titles. Read these titles and browse through the entire page.

Question 4: Are these business forms or general law practice forms? Explain.

14) Go back to the top of the page. Click on **Basic Agreements**. Look at the list of agreements. (If you are not sure what an agreement is, look for the definition in your legal dictionary. HINT: An agreement is often called a contract. If you can't locate the definition for an agreement, then look at the definition for contract). Click on the **Agreement to Sell Personal Property**. Read the agreement.

Question 5: Can you think of a situation where someone would use this type of contract?

15) Click on the **Back** button in your toolbar. Go back to the **Forms Directory**. Click on **Loans and Borrowing** and browse through these documents.

16) If you borrowed $3000 from your grandfather to buy a car, which of these agreements do you think you would want to use? If your answer is a **Note** you are correct. Click on the **Demand Note** and save a copy of this file as **demand.frm** to your disk for future reference.

OBJECTIVE 3. Use Legal Reference Materials

Legal reference materials are information resources you can use in a law office to do your job better. These materials can include a law dictionary, a legal thesaurus, legal directories and court rules (these are rules that attorneys must follows in a court case.) Reference materials can also include a style manual. You have already located a law dictionary on the Internet. This module will allow you to explore other legal reference materials online.

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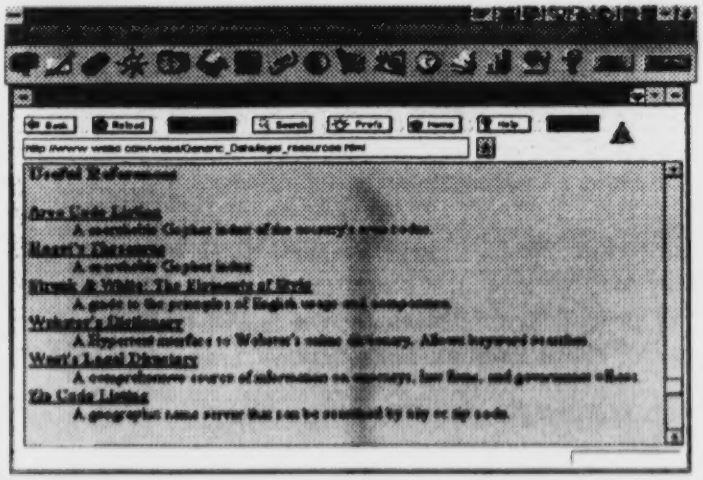
1) Go to **http://www.webd.com/webd/Generic_Data/legal_resources.html**. This site is called **General Legal Resources**. Go down to **Useful References**. Click on it. Your screen should look like this:



2) The listing that you will retrieve include several excellent resources. For example

a) If you need to locate a person that lives in another state, you can use the **Area Code Listing** directory to locate the area code for their city. Then you can call the information operator for their city and state to locate a telephone number for them

b) If you are writing a client a letter and you need an alternative word for information, you can go to **Roget's Thesaurus** and do a search to locate synonyms to use in your letter

c) While writing your letter you aren't sure what is the proper use of a semi-colon (;). You can look at the index in **Strunk & White: The Elements of Style** to read what the correct usage rules are

d) If you're not sure what the proper use of *insure* and *ensure* is, you can search **Webster's Dictionary** to locate definitions for both words

e) If you want to locate an attorney who is a specialist in helping immigrants become US citizens, you can search **West's Legal Directory** for a listing of attorneys in Michigan who practice in this area

f) If you need a zip code to address a letter, you can go into the **Zip Code Listing** and retrieve the correct zip code

3) Let's try some of these sources to see how they work. First, let's go into **Roget's Thesaurus**. In the search box type in the word **lawyer** and submit it

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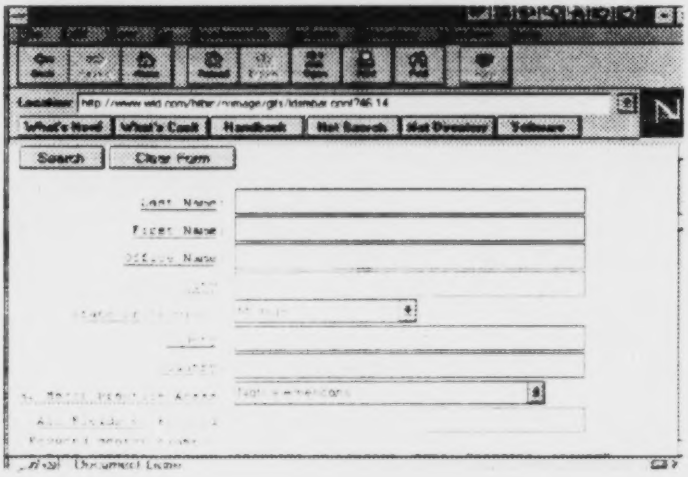
Question 1: What words do you receive as alternatives?

4) Go **Back** and go into **Strunk & White: The Elements of Style**. Look through the **Table of Contents**. Locate a section that describes how to use commas with the word **and.**

Question 2: What are the rules for using a comma with the word "and"? Provide an example in a sentence.

5) Go Back and go into **West's Legal Directory**. Click on the box titled **Search WLD**. Look for an attorney in Michigan that specializes in Native American issues. To do this you will need to type in the word **Michigan after the heading State** and the words **Native American** after **Key Word Search**. The screen will look similar to the following:



Then go to the bottom of the screen and click on **Search.**

Question 3: List the name, address and telephone number for the first attorney you locate in the listing

6) Go **Back** and go into the **Zip Code Listing**. Locate the zip code for your home by typing in your address. Then locate the zip code for the White House located at 1600 Pennsylvania Avenue in Washington, DC

Question 4: What is the zip code for the President?

OBJECTIVES:
4. Customize boiler-plate files and;
5. Key a final document from a draft and;
6. Edit legal documents and;
7. Complete legal documents and forms

Go into your word processing program. Do a directory listing of your files. From the previous exercises, you should have the following forms on your disk:

Initial Client Interview Form (client.frm) Affidavit (affidav.frm) Order (order.frm) Stipulation to Agreed Facts in Pending Action (stip.frm) Demand Note (demand.frm)

1) Retrieve **client.frm**. You will be a client who was injured in an automobile accident. Complete the form using your personal information. Print the form and resave it as **client1.frm.**

2) Retrieve **affidav.frm**. Center the heading **Affidavit,** capitalize and underline it. Change **XXX** to your name and place your name underneath the signature line. Print the form and resave it as **affidav1.form.**

3) Retrieve **order.frm**. Make the appropriate changes so your document looks like the one shown on the following page. Print the form and resave it as **order1.frm.**

4) Retrieve **stip.frm**. Make the appropriate changes so your document has the same heading, client and attorney information as the document above in step 3. Where you are asked to type the **agreed facts** substitute the following:

a) The parties stipulate to the joint ownership of the following assets: a 1996 Corvette, a 1996 Ford Bronco and jewelry valued at $5000.

b) The parties stipulate that the value of Mickey Mouse's interest in Disneyland is valued at $1 million.

5) Your form should look like the one shown on the following page.

6) Print the form and resave it as **stip1.frm**

7) Retrieve **demand.frm**. Make the appropriate changes so your document looks like the one shown on the following page.

8) Print the form and resave it as **demand1.frm.**

OBJECTIVE 8. Key document from transcription equipment (omitted)

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STATE OF MICHIGAN

WASHTENAW COUNTY CIRCUIT COURT

MINNIE MOUSE,

Plaintiff,

vs.

No. 96-12345-DO
Judge Fred Flintstone

MICKEY MOUSE,

Defendant.

Donald Duck (P-12345)
Attorney for Plaintiff

Yogi Bear (P-23456)
Attorney for Defendant

_____/

ORDER ALLOWING CAR PAYMENT

At a session of court held in the courthouse in
Ann Arbor, Michigan on <insert today's date>.
Present: Honorable Fred Flintstone
Washtenaw County Circuit Court Judge

Plaintiff, Minnie Mouse moved for payment of her car loan by Defendant, Mickey Mouse. The court heard argument and decided to grant the motion for the reasons stated in the bench opinion of <insert today's date>.

IT IS ORDERED:

1. Defendant, Mickey Mouse make immediate payment of Plaintiff's car loan, and;
2. Defendant, Mickey Mouse continue to make these payments until such time as this court orders otherwise.

Dated: <insert today's date>

s/_____
Judge Fred Flintstone
Washtenaw County Circuit Court Judge

Sample order1.frm

STATE OF MICHIGAN

WASHTENAW COUNTY CIRCUIT COURT

MINNIE MOUSE,

Plaintiff,

vs.

No. 96-12345-DO
Judge Fred Flintstone

MICKEY MOUSE,

Defendant.

Donald Duck (P-12345)
Attorney for Plaintiff

Yogi Bear (P-23456)
Attorney for Defendant

STIPULATION TO AGREED FACTS

The undersigned agree (1) that this action may be tried by this Court without a jury and (2) that judgment may be rendered on pleadings filed in this action and on the following statement of agreed facts, which serve as a substitute for evidence of those facts:

a. The parties jointly own the following assets: a 1996 Corvette, a 1996 Ford Bronco and jewelry valued at $5000.

b. The value of Mickey Mouse's interest in Disneyland is $1 billion.

Dated: insert today's date

/s/ _____
Donald Duck (P-12345)
Attorney for Plaintiff

Dated: insert today's date

/s/ _____
Yogi Bear (P-23456)
Attorney for Defendant

Sample stip1.frm

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DEMAND NOTE

$ 10,000.00 Date: <insert today's date>

On demand, the undersigned, for value received, jointly and severally promises to pay to the order of Minnie Mouse the sum of ten thousand dollars ($10,000) together with interest thereon from the date hereof until paid at the rate of 8 % per annum.

In the event this note is not paid when due, the undersigned shall pay all attorney's fees and reasonable costs of collection.

_____
Mickey Mouse

Witnessed:

_____
Daisy Duck

Sample demand1.frm

OBJECTIVE 9. Compose final transmittal and response letters

1) Go on the Internet and retrieve the home page for the "Lectric Law Library" located at **http://www.lectlaw.com/form.html**. Go into the **Law Practice Forms** and choose **General Practice Forms.**

2) Save the following letters on your disk:

Demand letter, wrongful death case as **demand.ltr**
Letter to client re: adverse representation as **adverse.ltr**
Letter to witness re: auto accident as **auto.ltr**

3) Sign off the Internet and go into your word processing program.

4) Retrieve the demand letter for the wrongful death case. Read the letter.

Question 1: a) What do you think is a wrongful death case? b) What is the purpose of the letter?

5) Make the following changes to the letter:

a. Send the letter to Mary McGuire, Attorney at Law, 1539 Main Street, Mt. Clemens, Michigan 48018.

b. The case name is Joe Jones v Estate of Jeff Smith.
c. In Paragraph 3 change Highway 1 to I-94 and Marin County to Macomb County.
d. In Paragraph 3 change California Highway Patrol to Michigan State Police.
e. In Paragraph 3 change Vehicle Code section 21460(a) to MCL 543.12.
f. In Paragraph 4 change Fort Honor to Selfridge Air Force Base.
g. In Paragraph 6 change California to Michigan.
h. In Paragraph 6 change 800,000 to 1.5 million and Fresno County Superior Court to Macomb County Circuit Court.
i. In Paragraph 8 delete the sentence beginning with **See, eg. Johansen** and the remaining sentences after it.
j. Change the closing from Very truly yours to Sincerely; in addition, the attorney's name will be Joseph Burns of the firm, Babcock, Burns and Everett.

6) Print and save the letter as **demand1.ltr**.

7) Retrieve the letter regarding adverse representation. Read the letter.

Question 2: What do you think adverse representation means?

Close the letter.

8) Retrieve the letter to the witness. Retype the letter using your name and address as the witness. Make any other appropriate changes. Print and save the letter as **auto1.ltr.**

OBJECTIVES:
10. Maintain client files and;
22. Sort documents in current sequence and;
24. File docket and account sheets

1) Go to **http://www.paxton.com/filing.html** This site describes the different types of filing systems that are available

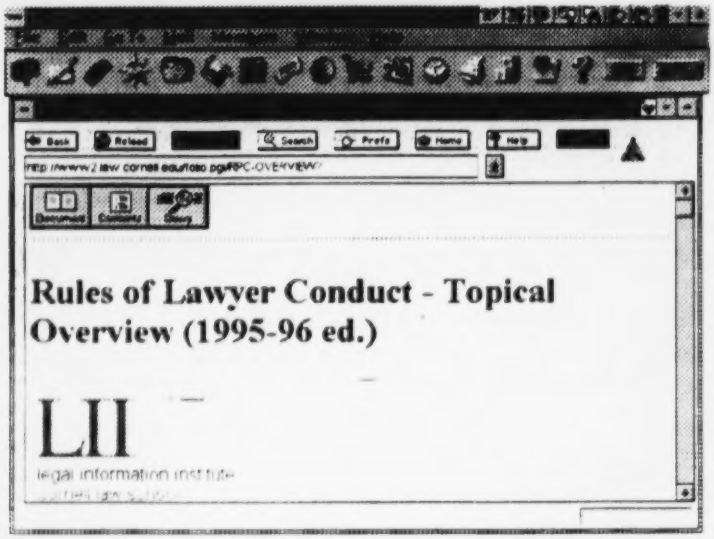
Question 1: What are the three main types of filing systems?
Question 2: List one advantage and one disadvantage of each type of filing system.

3) Change the address to **http://www.paxton.com/sched.html** This will take you to a page titled **Record Retention Schedule.** In general, a retention schedule tells you how long you should keep documents before destroying them. At the top of this document is a legend for this page. Jot down what the legends mean. Then go down the list to the Legal heading.

Question 3: How long should you keep most legal documents?

OBJECTIVE 11. Identify legal constraints regarding confidentiality

1) Go to **http://www2.law.cornell.edu/.** Go down to **Disk Publications of the LII** and click on this site. Then go down to **Legal Ethics** and click on the **Topical Overview of Professional Rules**. Your screen should look like this:



2) This site is an overview of the American Bar Association (ABA) Rules of Lawyer Conduct. Click on the **Document** button located in the upper left hand corner of the screen. Go down to **ABA Model Rule 1.6 - Confidentiality of Information**. Read the document and click on any highlighted terms you are unfamiliar with.

Question 1) Explain when a lawyer can reveal a client confidence.

3) Go back to the previous page and click on the query button. Type in **5.3** as your search. Click on **search.**

4) When you retrieve your results click again on the **Document** button. You should be on Rule 5.3.

Question 2) What is the heading for this rule?

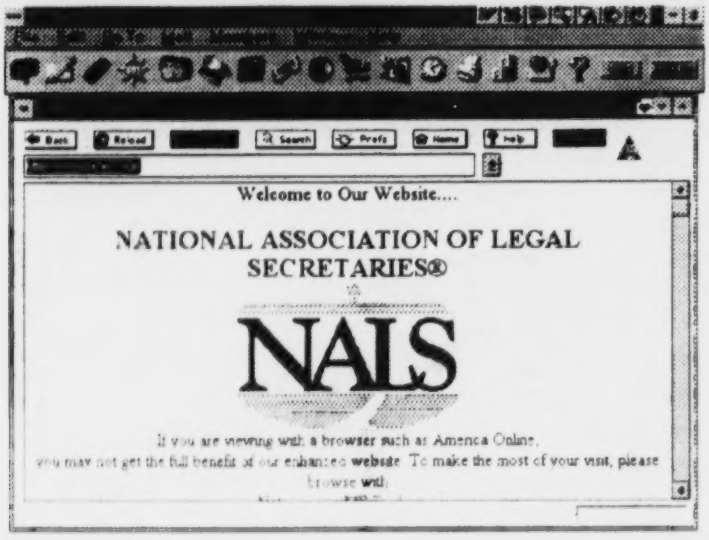
5) Print the rule.

Question 3) Based on your reading how should non-lawyer assistants handle confidential information about clients? Write your answer below. (If you are having difficulty understanding the rule, click on the *Comments* located on the bottom of the page for this Rule.)

<u>OBJECTIVE 12. Identify personal traits critical to legal secretary</u>

1) Go to the web site for the National Association of Legal Secretaries (NALS). It is located at **http://www.nals.org** NALS is a professional organization of legal secretaries that promotes continuing legal education seminars. It also offers courses for both the

Certified Professional Legal Secretary (PLS) and the Accredited Legal Secretary (ALS). Your screen should look like the one below:



Click on **COME ON IN!**

2) Click on **Education and Certification**. Then click on **Accredited Legal Secretary Examination.** Read the screen. What types of personal traits does this NALS suggest are important for exam takers? Go back one page to the previous menu. Click on **Certified Professional Legal Secretary Examination** and read the page.

Question 1) Write down at least 5 personal traits that you feel are important to being a legal secretary.

3) Go the bottom of the **Certified Professional Legal Secretary Examination** page. Click on **NALS Home.** Go to the bottom of the screen to **Our Guest Register.** Register your name and home address and request information on **Becoming a Legal Secretary.** Review the information for accuracy and print the screen for your records. Then submit the data to NALA. When you receive the information in the mail, write a short paper for your instructor describing the information you received.

4) NALS has a code of ethics. Locate the code.

Question 2) There are five main principles in the NALS code of ethics. List them.

OBJECTIVE 13. Make daily bank deposits

Many banks have web sites available on the Internet. In fact, many banks allow their customers to do online banking with them. You will go to three different sites for this exercise. The first site is for one of the Michigan banks, First of America. Its address is **http://www.foa.com/**. The second site is the American Bankers Association (ABA)

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located at **http://www.aba.com/persec.hum**. The third site is for Huntington Bank located at **http://www.huntington.com.** This bank has an online demo explaining their banking services.

1) Go to the **First of America** site. Locate information that describes the various types of business checking they offer.

Question 1) Write a memo to your instructor comparing the checking account options a company has available to them. If you were the office manager for a small law firm, which type of account would you choose? Explain your reasons in the memo.

2) Go to the **American Bankers Association (ABA)** home page that discusses the **Personal Economics Program**. Read the information on the **Personal Economics Program**. At the bottom of the screen is an email address to request information on the ABA's consumer education materials. Click on that address. Request information and have it sent to your home address.

3) For a demonstration of online banking, go the **Huntington Bank** home page. Click on the words **Huntington Web Bank**. Read the page. Then click on **Huntington Web Bank Demo.**

4) The demo screen will have many items you can view and read. Click on the **Next** key and continue through the demo until you are finished. Evaluate the demonstration.

Question 2) Would you use this bank if you operated a small business? Why or why not? Explain.

OBJECTIVE 16. Schedule appointments (omit)

OBJECTIVE 17. Keep an office and court calendar

1) Go to **http://www.4point.com/** which offers calendaring software. (Note: This site has large graphics so it may take a little longer to load the entire site into your computer.) You may want to turn off your graphics in your browser for faster loading.)

2) Click on the **Calendar Plus Sampler**. This will allow you to download the calendaring software.

3) Go to the **File** menu item in your file manager and click on **claplus.exe** to install and run the program.

4. Create a calendar for your boss for October 1, 1997. Enter the following appointments.

a. Meeting at 8:00 a.m. with Mr. Briggs re: divorce.
b. Conference call at 9:15 a.m. with Amber Group Inc.

c. **Court appearance at 10:00 in Lansing Circuit Court re: Greene motion.**
d. **Performance review at noon with Jolene.**
e. **Court appearance at 2:30 p.m. in East Lansing District Court re: Davis DUIL**
d. **Pick up Jamie from daycare at 5:30 p.m.**

5) Print the calendar for the month of October. Also print the appointments for that day.

OBJECTIVE 18. Keep legal reference materials current (omit)

OBJECTIVES:
19. Plan travel itineraries and;
20. Make travel arrangements

Go to **http://www.travel.org.** Your screen will look like the one below:

1) Click on **Information.**

Question 1) What kinds of travel information does this web site offer?

2) Go back and click on **Airlines.** Go to the **Northwest Airlines** site. Can you book a flight from Detroit, Michigan to Washington, DC at this site?

Question 2) If so, explain step-by-step the procedure you must use to book a flight from Detroit, Michigan to Washington, DC.

3) Your boss needs to go to Toronto to take the deposition of a witness. You need to make the travel arrangements and plan his itinerary. Go to the Yahoo directory site located at **http://www.yahoo.com** Here you will click on the **Recreation and Sports.** The word **Travel** will be a listing in this directory.

4) Click on **Travel Agents.** On the next page click on **Directories.**

5) You will see listing of travel directories.

Question 3) What is the name of the directory that sells discount air tickets?

6) Browse through the listings and locate any agencies in the United States that sell the discount tickets.

7) Go to **http://www.etn.nl/wwwlinks/**. Since your boss is going to Toronto, click on the Letter **T** for the name of the city we are visiting and **C** for the country name. Then, click on **Toronto, Canada**.

8) Your boss will have a few hours free one afternoon, and he wants to attend a Toronto Blue Jays baseball game. (Try the **Sports and Recreation** listing for Toronto, Canada). You can also go to **http://www.bluejays.com**. If you go to the Blue Jays site, click on **tickets**.

Question 8) What is the telephone number to purchase Blue Jays tickets?

OBJECTIVE 21. Produce new client information cards

1 Retrieve the client information sheet file you previously saved. Design a client information card to fit on a 3" x 5" file card. Only include information you feel would normally be included in a rolodex listing. Print the card design using your personal information.

OBJECTIVE 23. Close client file (omit)

OBJECTIVES:
14. Document lawyer consultant and court hours and;
15. Bill legal fees

Attorneys that bill at an hourly rate will usually provide clients with a detailed listing of the services they provided the client and the amount of time spent working on the client's problem.

Using the time sheets you have kept for these modules, type up an itemized listing for your instructor and calculate the total amount of hours you have spent completing this project.

If you were a legal assistant billing $50 per hour for your professional services, calculate a bill based on your time sheets.

Question 1) What is the amount of your bill?

INSTRUCTOR MANUAL

INTERNET MODULES

Job Title: LEGAL OFFICE SPECIALIST

The Instructor Manual includes ideas on using the Internet modules and suggested answers to the student activities. Instructors need to be aware of the fact, however, that addresses and materials on the Internet constantly change. To avoid future problems with the exercises, every attempt has been made to point students to well-known, established sites. In addition, even though it would be useful to have copies of some of the Internet materials included in the instructor manual, they have been intentionally excluded to avoid any question of copyright issues.

OBJECTIVE 1. Define legal terms

If you prefer, your students can copy each letter page of the dictionary to a word processing file (rather than printing each letter). Students can then format the pages as one complete document. This process would also allow the student to add definitions to their dictionary as they complete the modules.

An alternative site for this project is The Law Office Dictionary located at http:// thelawoffice com/Research/Law_Dict htm. An advantage to this site is it has searching capability; however, the definitions are not as easy to understand as the ones located at the WWLIA location. A third location is http //www lectlaw com/ref html. This site holds "The Lawcopedia's "Lectric Legal Lexicon". Although this dictionary is more complete than the others, it also uses language that will be more difficult for high school students to understand.

OBJECTIVE 2. Identify use of legal forms and document

There are a wide variety of forms available for students to review. This exercise gives students exposure to only a few of the hundreds available. If you prefer, you can adjust the exercise to have the student retrieve forms by topical area instead of the current format.

Sample Key to Student Questions

1) General, Business Law, Family Law, Immigration Law, Real Estate Law, Tax, and Forms Services

2) A client information sheet for a Will should include the following minimum information: name, spouse's name, birthdate, spouse's birthdate, address, home and work telephones, date and place of marriage, occupations, children's names, children's birthdates, children's addresses, grandchildren's names, grandchildren's birthdates.

grandchildren's addresses, whether there is an existing will, any previous marriages, names and telephone numbers of current advisors (such as accountant, attorney, stock broker, insurance agent, etc.)
questions on the kinds of assets and debts that a person owns, who they want their assets to be distributed to, and the name of a guardian if there are children under 18.
3) A sworn statement means before a person signs a document, they take an oath stating that to the best of their knowledge the information in the document is true.
4) These are business forms. The titles of the forms (employment, and loans and borrowing) suggest the type of form they are.
5) This form could be used for buying or selling any type of property (that is not real estate). Examples could include the sale or purchase of a car, snowmobile, jewelry, etc.

OBJECTIVE 3. Use Legal Reference Materials

Sample Key to Student Questions:
1) Students will first receive a listing of possible synonyms. **Lawyer** is the closest synonym. When the student clicks on **lawyer** they will receive a detailed definition for the word that includes lawyer, counsel, jurist and barrister.
2) The rule is to place a comma before *and* and *but* when they are introduced as an independent clause.
3) Answers will vary.
4) The zip code is 20599-0001. An alternative site to locate zip codes is through the USPS at **http://www.usps.gov/ncsc/lookups/lookup_zip+4.html**.

OBJECTIVES:
4. Customize boiler-plate files
5. Key a final document from a draft
6. Edit legal documents
7. Complete legal documents and forms

Students have been asked to save several files and make edits to the documents. Students should provide you with a copy of both the downloaded and edited files.

OBJECTIVE 9. Compose final transmittal and response letters

Students have been asked to save several files and make edits to the documents. Students should provide you with a copy of both the downloaded and edited files. A copy of the edited "demand" letter is printed below. Changes are in boldface.

Edited "Demand" Letter

BABCOCK, BURNS & EVERETT
123 Crocker Street
Michigan City, Michigan 48299
(616-555-1212)

<insert today's date>

Mary McGuire
Attorney at Law
1539 Main Street
Mt. Clemens, MI 48018

Re **Joe Jones** v **Estate of Jeff Smith**

Dear **Ms. McGuire:**

This will confirm your recent telephone conversation with my associate in which you stated that the total insurance coverage applicable to this case amounts to only $100,000.

On the basis of this statement, we have conferred with our clients and have obtained their authority to accept the sum of $100,000 in full settlement of their claim against your insureds for the wrongful death of our clients' son, Jeff Smith. This offer is conditioned, however, on your (1) providing this office with proof of the limits of the applicable insurance policy or policies and (2) payment of the policy limits within 15 days from the date of this letter.

As you know, this is an open-and-shut case of liability against your insureds. Joe Jones negligently and recklessly drove his vehicle over the center line of Highway **I-94 in Macomb County**, colliding head-on with the automobile driven by Jeff Smith. Joe Jones was cited by the **Michigan State Police** for violation of **MCL 543.12** and was charged with vehicular manslaughter in the death of Jeff Smith.

It is also obvious that this case is worth well over the stated policy limits of $100,000. At the time of his death, Jeff Smith was a healthy, 25-year-old serviceman stationed at **Selfridge Air Force Base**, enjoyed an extremely close and loving relationship with his parents, and remained in constant contact with them while he was in the Army.

The tragic nature of this case is compounded by the fact that the Smiths lost another son in an accident shortly before Jeff's death and by the fact that Jeff's father, Jim, suffered a massive heart attack immediately after learning of Jeff's death. Jim is now permanently disabled and totally dependent on his surviving children for support. Given the close bond between Jeff and his father, there is no question that Jeff would have contributed substantially to his father's support for the balance of

his life. Both parents have now been deprived of the support as well as the love, care, comfort, affection, society, and protection that Jeff would have provided them had he survived.

The jury verdict potential in this case is further evident from a review of recent **Michigan** verdicts involving the wrongful death of a child. As a matter of fact, our office recently obtained a jury verdict of **$1.5** in the case of Doe v Roe **(Macomb County Circuit Court)** for the wrongful death of a four-year-old child. Certainly the death of a 25-year-old son would yield a verdict far above that figure, particularly in view of the factors discussed above.

As previously mentioned, this offer to settle within the applicable policy limits will remain open for 15 days from the date of this letter. If it has not been accepted by that time, this demand will be withdrawn, and we will proceed to trial.

If you do not fully comply with this demand, we will have to conclude that the insurance company is acting in bad faith and proceed accordingly. After we receive a jury verdict over $100,000, we will seek an assignment from the insureds and proceed against the carrier for its bad faith and outrageous conduct in the negotiations pertaining to this case. I need not remind you of the numerous decisions in which an insurance company has been held liable for the full amount of the jury verdict when the company chose to subject its insureds to personal liability instead of settling the case for the limits of the insurance policy.

Please feel free to call this office if you have any questions or need any additional information on this matter.

Thank you for your cooperation.

Sincerely,

BABCOCK, BURNS & EVERETT

/s/

Joseph Burns

insert reference initials

OBJECTIVES:
10. Maintain client files
22. Sort documents in current sequence
24. File docket and account sheets

Sample Key to Student Questions:
1) Alphabetic, subject and numeric
2) Alphabetic advantages

Easy to find and file miscellaneous records
Records can be grouped by corporate, customer or individual name
No file index is required for on-site storage
Provides direct filing index

Alphabetic disadvantages:

Related records may be filed in more than one place
High possibility of error in filing common names

Numeric advantages:

The most accurate of all filing methods
Uniformity assured
Unlimited expansion
Easiest method for retrieval
Cross-referencing extension
A complete index

Numeric disadvantages:

Filing is indirect
Expensive labor cost
Specialized training required
Miscellaneous records must be maintained separately
Extensive index is cumbersome

Subject advantages:

Related documents from various sources are grouped by subject creating an essential tool for management decision making
Unlimited expansion

Subject disadvantages:

Extensive cross-referencing is necessary
Some records will be difficult to classify due to ambiguous or multi-subject referencing
Miscellaneous records difficult to file
Indexing is extensive and requires greater maintenance

3) Affidavits - 10
Charters, Bylaws - P
Claims Litigation - P
Copyrights - P
Law Records - US
Mortgages - P
Patents & Trademarks - P

OBJECTIVE 11 Identify legal constraints regarding confidentiality

Sample Key to Student Questions

1) "A lawyer shall not reveal information relating to representation of a client unless the

client consents after consultation, unless the lawyer believes the client will be committing a criminal act that will result in imminent death or substantial harm or to establish a claim or defense in a proceeding between the attorney and a client."
2) Responsibilities Regarding Nonlawyer Assistants
3) Students have been asked to comment on Rule 5.3. The comments to this rule state: **"Lawyers generally employ assistants in their practice, including secretaries, investigators, law student interns, and paraprofessionals. Such assistants, whether employees or independent contractors, act for the lawyer in rendition of the lawyer's professional services. A lawyer should give such assistants appropriate instruction and supervision concerning the ethical aspects of their employment, particularly regarding the obligation not to disclose information relating to representation of the client, and should be responsible for their work product. The measures employed in supervising nonlawyers should take account of the fact that they do not have legal training and are not subject to professional discipline."**

Student answers to this question should exhibit understanding of the importance of maintaining client confidences and the impact a breach of those confidences would mean.

OBJECTIVE 12. Identify personal traits critical to legal secretary

The NALS site also allows educators to request a Career Resource Center Information Package. You can request it through the NALS Guest Register through the Internet or you can call NALS at 918.493.3540. Their address is NALS, 2448 East 81st Street, Suite 3400, Tulsa, OK 74137-4238.
Sample Key to Student Questions
1) Answers will vary. Possible answers include ethical, good communication skills, legal knowledge, writing skills, and administrative skills.
2) Encourage respect for the law and the administration of justice;
Observe rules governing privileged communications and confidential information;
Promote and exemplify high standards of loyalty, cooperation, and courtesy;
Perform all duties of the profession with integrity and competence; and
Pursue a high order of professional attainment

OBJECTIVE 13. Make daily bank deposits

Sample Key to Student Questions
1) Answers will vary
2) Answers will vary

OBJECTIVE 17. Keep an office and court calendar

There are many types of calendaring software available on the Internet. Instructors may choose to have students locate additional calendaring software or other types of software such as docket management, billing, etc. by utilizing the Internet search engines.

OBJECTIVES:

19. Plan travel itineraries

20. Make travel arrangements

Sample Key to Student Questions:

1. This site pulls together all types of travel and transportation information.
2. Answers will vary.
3. Bucket shops
5. 1 416 341 1234

21. Produce new client information cards

Students should produce a form that meets the requirements for good form design. Items to evaluate include organization of information, readability, appearance, borders, etc.

PART II
SECTION 1

LEGAL ASSISTANT

UNIT A: CRITICAL THINKING SKILLS

1. Analyze a problem by identifying and evaluating alternative solutions
2. Apply principles of professional ethics to specific fact situations
3. Identify factual omissions and inconsistencies

UNIT B: ORGANIZATIONAL SKILLS

4. Categorize information
5. Prioritize information
6. Organize information
7. Utilize time efficiently

UNIT C: GENERAL COMMUNICATION SKILLS

8. Listen effectively and accurately interpret nonverbal communication
9. Write in a clear, concise and grammatically correct English
10. Use language to persuade
11. Tailor the nature of the communication to maximize understanding in the intended audience, including those with different levels of education and different cultural backgrounds

UNIT D: INTERPERSONAL SKILLS

12. Establish rapport and interact with lawyers, clients, witnesses, court personnel, co-workers and other business professionals
13. Be diplomatic and tactful
14. Be flexible and adaptable
15. Be assertive without being aggressive
16. Work effectively as part of a team when appropriate
17. Work independently and with a minimal amount of supervision when appropriate

UNIT E: LEGAL RESEARCH SKILLS

18. Learn to "cite check" legal sources
19. Learn the proper citation format for citing legal sources
20. Become familiar with the resources located in a standard law library collection
21. Through work experience as a legal assistant trainee, learn how to use basic legal research techniques to solve a client's problem

UNIT F: LEGAL WRITING SKILLS

22. Use appropriate citations for sources
23. Use the proper format and appropriate content in drafting client correspondence and legal documents

UNIT G: INTERVIEWING AND INVESTIGATION SKILLS

24. Gain access to information that is commonly kept by government agencies
25. Prepare releases and requests to gain access to medical and corporate records

UNIT H: ORGANIZATION AND OPERATION OF THE LEGAL SYSTEM

26. Understand the major functions the law serves in modern society
27. Explain the general structure of the US legal systems at the federal, state and local levels
28. Understand the detailed structure of the state and local courts in Michigan
29. Know the differences in function and procedure among trial courts, appellate courts and administrative hearings
30 Know the functions performed by the various officials involved in the court system
31 Know the basic difference between civil and criminal procedure

UNIT I ORGANIZATION AND OPERATION OF LAW OFFICES

32 Learn the various types of practice arrangements lawyers use for the delivery of legal services to the general public and the indigent as well as in corporations and government agencies
33 Learn the functions performed by the various people typically working in a law office
34 Learn the organizational structure and the administrative procedures that are commonly used in law offices

UNIT J THE LEGAL ASSISTANT PROFESSION AND ETHICAL OBLIGATIONS

35 Understand the factors which lead attorneys to employ paralegal/legal assistants
36 Know the types of duties paralegal/legal assistants perform when working in various areas of the law

37. Learn the definitions that are most commonly used for the terms: paralegal, legal assistant, independent paralegal, legal technician, freelance paralegal, certification, registration and licensure
38. Understand the ethical responsibilities that have been established by statutes, court decisions, and court rules effecting paralegal/legal assistants and lawyers
39. Understand the nature of the supervision that must be present in order to avoid situations that constitute the unauthorized practice of law

STUDENT WORK SCHEDULE

JOB TITLE: Legal Assistant Name:_____

UNIT B*: Organizational Skills Date Started:_____

TASK(S): 4. Categorize information
5. Prioritize information
6. Organize information
7. Utilize time efficiently

TEXT/MATERIALS: Estrin, Chere B.
Everything You Need to Know About Being a Legal Assistant
Delmar Publishers, 1995

Miller, Roger Leroy and Mary S. Urisko
West's Paralegal Today-The Legal Team at Work
West Publishing, 1995

Roper, Brent
Using Computers in the Law Office
West Publishing, 1995

DIRECTIONS TO THE STUDENT: To help you learn more effectively, you will work with a variety of texts with these modules. On occasion, you may have questions about the content in the texts. Feel free to meet with your instructor to clarify any questions you may have.

ASSIGNMENT	JOB IN PROGRESS	COMPLETED
1. Keep a time log for all of your assignments. You will turn in your time log when you complete all of the modules for the Legal Assistant job.		
2. You will develop a manual to hold all of your assignments organized by subject. You will turn in your manual to your instructor when you complete all of the modules for the Legal Assistant job.		
3. Read "How to Study Legal Concepts and Procedures" located on pgs. 756-761 in the Miller & Urisko text. Stop at		

* Unit B is intentionally placed as the first module for the student to complete.

ASSIGNMENT	JOB IN PROGRESS	COMPLETED
"Learning in the Classroom". Make flash cards for the all legal words and terms that are new to you as suggested in the text. Follow the suggestions in Miller & Urisko for all other assignments (i.e., such as outlining a chapter.).		
4. Read article 2 of the Estrin text beginning on page 13. Make a list of the top ten ways you feel will be the most effective means to find a paralegal job. Explain your reason for choosing each method.		
5. Read and take notes on chapter 6 in the Roper text. Complete the problem solving questions on page 217.		

STUDENT WORK SCHEDULE

JOB TITLE: Legal Assistant Name:_____

UNIT C: General Communications Skills

UNIT D: Interpersonal Skills Date Started:_____

TASK(S): 8. Listen effectively and accurately interpret nonverbal communication
9. Write in clear, concise and grammatically correct English
10. Use language to persuade
11. Tailor the nature of the communication to maximize understanding in intended audience, including those with different levels of education and different cultural backgrounds
12. Establish rapport and interact with lawyers, clients, witnesses, court personnel, co-workers and other business professionals
13. Be diplomatic and tactful
14. Be flexible and adaptable
15. Be assertive without being aggressive
16. Work effectively as part of a team when appropriate
17. Work independently and with a minimal amount of supervision when appropriate

TEXT/MATERIALS: West's Paralegal Today-The Legal Team at Work

ASSIGNMENT	JOB IN PROGRESS	COMPLETED
1 Read and take notes on chapter 14 in Miller & Urisko		
2 Complete and answer in writing the Questions for Review, Ethical Question #2 and Practical Questions and Answers #2 at the end of the chapter		
3 Role play #1 on page 27 with your instructor Evaluate your performance in writing Discuss what you did well and what you would change		
4 Role play #1 on page 75 with your instructor Evaluate your performance in writing Discuss what you did well and what you would change		
5 Complete practice questions #2 and #3 on page 149		
6 Complete practice question #3 and critical analysis question #2 on page 191		

7. Role play #2 on page 226 with your instructor. Evaluate your performance in writing. Discuss what you did well and what you would change.		
8. Turn in your completed exercises to your instructor.		

STUDENT WORK SCHEDULE

JOB TITLE: Legal Assistant Name: _____

UNIT E: Legal Research Skills Date Started: _____

TASK(S): 18. Learn to "cite check" legal sources
19. Learn the proper citation format for citing legal sources
20. Become familiar with the resources located in a standard law library collection
21. Through work experience as a legal assistant trainee, learn how to use basic legal research techniques to solve a client's problem

TEXT/MATERIALS: West's Paralegal Today-The Legal Team at Work

Wells, Sherry
Michigan Law for Everyone-4th edition
LawWells Publishing, 1995

"How to Shepardize"
Shephards-McGraw Hill, 1995

"Sample Pages"
West Publishing, 1986

ASSIGNMENT	JOB IN PROGRESS	COMPLETED
1. Read and take notes on Chapter 16 in the Wells book		
2. Read and take notes on Chapter 17 in the Miller text		
3. Complete the questions for review on page 697 in the Miller text		
4. Complete the ethical questions on pages 697-698 in the Miller text		
5. Complete project #1 or project #2 on page 699 in the Miller text		
6. Read "How to Shepardize" or complete the "How to Shepardize" computer tutorial		
7. Answer the questions in "How to Shepardize"		

Instructor notes:

1. Students need to become familiar with the most commonly used law books. A listing of Michigan law libraries can be found in the current version of the Michigan Bar Journal. This list includes both public and private collections. Instructors with schools located close to the University of Michigan law library should know that a tape cassette self-directed tour is available at that library.

2. Students that are not in close proximity to a law library or a public library with a law collection can use "Sample Pages" to become familiar with many of the West Publishing law books. There are, however, many other well-known legal publishers (such as Lawyer's Cooperative Publishing) whose books students should also explore.

STUDENT WORK SCHEDULE

JOB TITLE: Legal Assistant Name: _____

UNIT F: Legal Writing Skills Date Started: _____

TASK(S): 22. Use appropriate citations for sources
23. Use the proper format and appropriate content in drafting client correspondence and legal documents
21. Through work experience as a legal assistant trainee, learn how to use basic legal research techniques to solve a client's problem

TEXT/MATERIALS: Garrett, Vena
Introduction to Legal Assisting
Glencoe, 1993

West's Paralegal Today-The Legal Team at Work

ASSIGNMENT	JOB IN PROGRESS	COMPLETED
1. Read and take notes on pages 715-732 in Miller & Urisko.		
2. Read and take notes on pages 761-764 in Miller & Urisko		
3. Complete "Questions for Review" #6, #7 and #8 on page 742		
4. Complete "Practice Questions and Assignments" #1-#3 on page 743		
5. Read and take notes on "Case Citations" on pages 171, 174 and 183 in Garrett		

STUDENT WORK SCHEDULE

JOB TITLE: Legal Assistant Name: _____

UNIT G: Interviewing and Investigation Skills Date Started: _____

TASK(S): 24. Gain access to information that is commonly kept by government agencies
25. Prepare releases and requests to gain access to medical and corporate records

TEXT/MATERIALS: West's Paralegal Today-The Legal Team at Work

ASSIGNMENT	JOB IN PROGRESS	COMPLETED
1. Read and take notes on chapter 15 in Miller & Urisko.		
2. Complete "Questions for Review" on page 599.		
3. Complete "Ethical Questions" on page 599.		
4. Complete "Practice Questions and Assignments" #2 on page 600.		
5. Complete Project #2 on page 601.		
6. Role play Exercise #2 on page 600.		

STUDENT WORK SCHEDULE

JOB TITLE: Legal Assistant Name:_____

UNIT H: Organization and Operation of the Legal System Date Started:_____

TASK(S): 26. Understand the major functions the law serves in modern society
27. Explain the general structure of the US legal systems at the federal, state and local levels
28. Understand the detailed structure of the state and local courts in Michigan
29. Know the difference in function and procedure among trial courts, appellate court and administrative hearings
30. Know the functions performed by the various officials involved in the court system
31. Know the basic difference between civil and criminal procedure

TEXT/MATERIALS: Michigan Court Rules-1997
West Publishing, 1997

Wells, S.A.
Michigan Law for Everyone
LAWells Publishing, 1996

ASSIGNMENT	JOB IN PROGRESS	COMPLETED
1. Read and take notes on chapters 1-6 in Wells.		
2. Read and take notes on chapter 18 in Wells.		
3. Read and take notes on chapter 6 in Miller & Urisko.		
4. Complete "Questions for Review" on pages 224-225.		
5. Complete "Ethical Questions" on page 225.		
6. Complete "Practice Questions and Assignments" #1 and #2 on pages 225-226.		
7. Read and take notes on chapter 7 in Miller & Urisko.		
8. Complete "Practice Questions and Assignments" #1 on page 261.		
9. Complete Project #3 on page 262.		

ALTERNATIVE UNITS:

1. Objectives 26 and 27:
   a. Read and take notes on chapter 2 on pages 22-43 in Garrett.
   b. Define the terms on pages 43.
   c. Answer the "Questions for Review and Discussion:" #1-10 on pages 43-44.
2. Objectives 26 and 27:
   a. Read and take notes on chapter 1 on pages 2-23 in Goldentyer.
   b. Answer "Review Questions" on p. 6, p. 10, p. 13 and p. 20.
   c. Have students take a field trip to a local or state legal office building.
3. Objectives 28 and 29:
   a. Obtain the pamphlet "Michigan Courts," prepared by the League of Women Voters. Read and discuss the brochure.
   b. Have students take a field trip to a local or state court.
   c. Invite a guest speaker to class to discuss hearings and court cases.
4. Objective 30:
   a. Read chapter 3 on pages 61-65 in Garrett.
   b. List each court position and identify 5-7 characteristics for each position.
   c. Invite a guest speaker to class to discuss their job duties in the court system.
5. Objective 31:
   a. Read chapter 16 on pages 366-385 in Garrett.
   b. Read chapter 20 on pages 448-459 in Garrett.
   c. Discuss with a partner the definitions of criminal and civil law. Describe the different procedures for a criminal and a civil case.
6. Objective 31:
   a. Read chapter 5 on pages 93-113 in Goldentyer.
   b. Read chapter 7 on pages 137-152 in Goldertyer.
   c. Discuss with a partner the definitions of criminal and civil law. Describe the different procedures for a criminal and a civil case.

STUDENT WORK SCHEDULE

JOB TITLE: Legal Assistant Name:_____

UNIT I: Organization and Operation of Law Offices

UNIT J: The Legal Assistant Profession and Ethical Obligations Date Started:_____

TASK(S): 32. Learn the various types of practice arrangements lawyers use for the delivery of legal services to the general public and the indigent as well as in corporations and government agencies

33. Learn the functions performed by the various people typically working in a law office

34. Learn the organizational structure and the administrative procedures that are commonly used in law offices

35. Understand the factors which lead attorneys to employ paralegal/legal assistants

36. Know the types of duties paralegal/legal assistants perform when working in various areas of the law

37. Learn the definitions that are most commonly used for the terms: paralegal, legal assistant, independent paralegal, legal technician, freelance paralegal, certification, registration and licensure

38. Understand the ethical responsibilities that have been established by statutes, court decisions, and court rule affecting paralegal/legal assistants and lawyers

39. Understand the nature of the supervision that must be present in order to avoid situations that constitute the unauthorized practice of law

TEXT MATERIALS: West's Paralegal Today-The Legal Team at Work

Statsky, William, P.
Paralegal Employment-Facts and Strategies for the 1990's
West Publishing, 1993

Michigan Law for Everyone

ASSIGNMENT	JOB IN PROGRESS	COMPLETED
1. Read and take notes on chapter 17 in Wells		
2. Read and take notes on chapter 1 in Miller & Urisko		
3. Complete "Ethical Questions" #1 and		

#2 on page 26.		
4. Complete "Practice Questions and Assignments" #1 and #2 on page 26.		
5. Read and take notes on chapter 2 in Miller & Urisko.		
6. Complete "Ethical Questions" #1-3 on page 74.		
7. Complete "Practice Questions and Assignments" #1 on page 74.		
8. Complete "Questions for Critical Analysis" #1 and #2 on page 75.		
9. Read and take notes on chapter 3 in Miller & Urisko.		
10. Complete "Ethical Questions" #1-3 on page 118.		
11. Complete "Practice Questions and Assignments" #1-3 on page 119.		
12. Read and take notes on chapter 4 in Miller & Urisko.		
13. Complete "Questions for Review" on page 148.		
14. Complete "Ethical Questions" #1 and #2 on pages 148-149.		
15. Read and take notes on chapter 5 in Miller & Urisko.		
16. Complete "Questions for Review" on page 190.		
17. Complete Projects #1 and #2 on page 192.		
18. Read and take notes on chapters 1-2 in Statsky. Develop ten short answer questions and answers based on your reading.		

ALTERNATIVE UNITS

1. Objective 32
   a. Read and take notes on chapter 18 on pages 378-399 in Goldentyer
   b. Answer the Review Questions on p. 382, p. 385, p. 388, p. 393 and p. 397
   c. Invite a local attorney to class to discuss their office practices
2. Objective 33
   a. Read and take notes on "Positions in a Law Office" in Atwood on pp. 10-15
   b. Prepare an organizational chart showing the positions in a law office
   c. Have a legal secretary come to class to speak about their job
3. Objective 34

a. Visit various law offices (one small office and one larger office) and compare the differences of the procedures used in each of them.

3. Objective 35, 36 and 37:

a. Read and take notes on the "Guidelines for the Utilization of Legal Assistant Services" by the State Bar of Michigan.

b. Define the terms on p. 20 and answer "Questions for Review and Discussion" 1-10 on page 20.

c. Complete "You and the Law," Unit 5.

d. Complete a MOIS search for legal careers.

e. Complete selected assignments in *Careers in the Law*.

4. Objectives 38 and 39:

a. Read and take notes on chapter 2 in Garrett.

a. Read and take notes on chapter 11 on pp. 282-296 in Garrett. Pay particular attention to Section 11-2 on page 286.

b. Read and take notes on chapter 12 on pp. 316-317 in Garrett.

STUDENT WORK SCHEDULE

JOB TITLE: Legal Assistant Name: _____

UNIT A** : Critical Thinking Date Started: _____

TASK(S): 1. Analyze a problem by identifying and evaluating alternative solutions
2. Apply principles of professional ethics to specific fact situations
3. Identify factual omissions and inconsistencies

TEXT/MATERIALS: Calleros, Charles R.
Legal Method and Writing
Little, Brown and Company, 1994

West's Paralegal Today-The Legal Team at Work

Introduction to Legal Assisting

ASSIGNMENT	JOB IN PROGRESS	COMPLETED
1. Read and take notes on chapter 7 of the Calleros text. Look up any unfamiliar legal words in a legal dictionary		
2. Complete exercise 7-1 on page 122		
3. Complete exercise 7-2 (1) on page 134		
4. Read and take notes on chapter 11 in the Garrett text.		
5. Define the key terms on page 296		
6. Complete the questions for review and discussion on pages 296-297		
7. Read pages 703-715 in Miller & Urisko		
8. Complete "Ethical Questions" #1-2 on pages 742-743		
9. Complete "Questions for Critical Analysis" #1 on page 743		
10. Turn in completed exercises to your instructor		

** Unit A is intentionally placed at the end of these modules. Students will have difficulty completing these exercises without first working through Units B-J.

PART II
SECTION 2

INTERNET MODULES

Job Title: LEGAL ASSISTANT

OBJECTIVES

1: Analyze a problem by identifying and evaluating alternative solutions.

3: Identify factual omissions and inconsistencies.

This particular section deals with a concept called **critical thinking.** The American Association for Paralegal Education (AAfPE) has designated critical thinking as the most important skill a legal assistant must have. There are many definitions for critical thinking, but basically it means being able to analyze a problem, look at the available options and to reason out a logical answer. Since lawyers and legal assistants are always trying to solve client problems, critical thinking is an important skill to develop.

To learn more about critical thinking, go to **http://www.contrib.andrew.cmu.edu/~corona/meetings/skills.html**. Here you will retrieve a short article that provides an overview on **The Basics of Critical Thinking.** After you read the article, please answer the questions below:

> **Question 1. What are the four elements that make up critical thinking? Explain each one in a short sentence.**
> **Question 2. Describe the difference between the four types of reasoning.**
> **Question 3. Explain in your own words why you think critical thinking is an important skill to have. What other careers would also classify it as a key skill?**

Next, go to **http://www.blacktop.com/ecoeducation/cc.criticalthinking.html**. This site has a critical thinking activity that you can complete. When you go to this page, you will want to browse through the page and read *Conflict Over Community Garden Divides Citizens*. Then answer the questions by filling out the chart located on the bottom of the page. Feel free to ask your instructor for any assistance.

Then go to **http://www.rain.org/~meguffey/critical.html**. Here you will retrieve an article titled "Five Steps to Better Critical-Thinking, Problem-Solving, and Decision-Making Skills." Read the article.

> **Question 4: Based on the information in this article, would you have handled the Community Garden critical thinking activity differently. Explain.**

Lastly, have a little fun and try to solve some puzzles that will challenge your critical thinking skills. Go to **http://detroit.freenet.org/ms-camp/puzzles.html**. At this site your will retrieve 5 different puzzles.

Question 5. Complete each of the puzzles. (Answers are available by clicking on the puzzle number.)

OBJECTIVES 4-7 dealing with Organization Skills, OBJECTIVES 8-11 dealing with General Communication Skills and OBJECTIVES 12-17 dealing with Interpersonal Skills are intentionally omitted. These tasks involve activities which are difficult to support with Internet exercises.

OBJECTIVES:
19. Learn the proper citation format for citing legal sources.
22. Use appropriate citations for sources.

When a client has a problem, a lawyer will look at written court cases and laws to see if these materials provide an answer to the client's problem. When a lawyer uses one of these cases or laws in a court, they are required to list their titles and numbers in a special format that other lawyers and judges can understand. This is called **citing** a legal source. In Michigan courts, lawyers use a format called the Michigan Uniform System of Citation. This citation format and its rules are located in the current edition of *The Michigan Court Rules*. One key characteristic of these rules is legal citations are abbreviated without using any periods. Federal courts (and many states) follow a different format called "The Bluebook." This is actually a reference book titled *The Bluebook: A Uniform System of Citation (15th ed. 1991)*. The exercise below will introduce you to legal citations from "The Bluebook."

Go to **http://www.cornell.edu/citation/citation.table.html.** This will take you to a screen titled the **Table of Contents**. Go down your screen. You will see the following headings

1 Introductions

Learning Legal Citation
Purposes of Legal Citation
Purposes of Legal Citation
General Types of Citation Rules
Levels of Mastery

2 How to Cite

Cases
Constitutions and Statutes
Regulations

Click and read each of these sections. After you complete your reading, answer the following questions

Question 1. What is a legal citation?
Question 2. What does 490 U.S. 730 mean?
Question 3. What are some basic rules for citing cases?
Question 4. What are some basic rules for citing federal statutes?

OBJECTIVE 18: Learn to "cite check" legal sources

Cite checking involves making sure that your cases, statutes and other types of legal materials are still "good law." This means that these sources must be current and there cannot be any other type of law that makes your cases, statutes and other legal materials invalid.

One of the oldest and most well known citation service is called **Shepard's**. This service is used by all legal professionals in the United States to guarantee the legal information they used has not been changed by a court or a legislature.

Shepard's has a home page on the Internet located at **http://www.shepards.com/.** Go to this page. The screen will automatically go forward to another page after the screen fills with the company logo. This new screen will look different from other home pages --- because the page is split vertically into 2 parts. Move your mouse to the left side of the screen and click down the left screen until you find the heading **Inside Shepards.** Click on that heading.

On the next screen go down to **Shepard's History**. Read the background information on Shepard's and then answer the questions below.

Question 1. Who is Frank Shepard?
Question 2. What was his occupation?
Question 3. What is precedent?
Question 4. What kinds of paper did Shepard use?
Question 5. What did Justice Holmes say about Shepard's system?
Question 6. What format did Kathan follow?
Question 7. What is the process of using the "Shepard's" books now called?
Question 8. What media is Shepard's available in?

Next, click on **Citations Central.** Then go to the **How to Shepardize-A Web Tutorial.** Click on the target illustration and then go to the **Introduction.** Read it. After you read it go to the bottom of the page and click on **Next Page.** This will take you to the **Definitions.** Copy the definitions and place them in a word processing file so you can keep track of all of your legal terms.

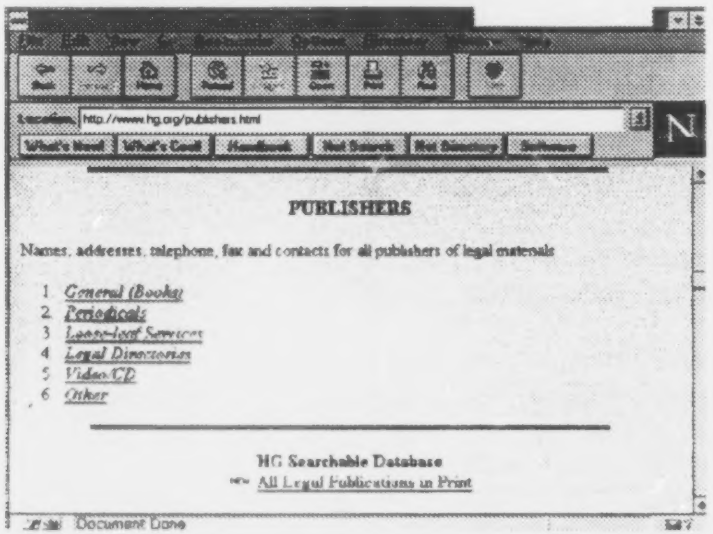
Go to the **Next Page.** This will take you to the **Research Steps.** Read all of these steps. Make sure you go through all steps 1-5. (You will need to click on the Next Page box to continue with steps 3-5.)

Question 9. Summarize steps 1-5 in your own words.

To have a thorough understanding of Shepard's, you should continue completing all the steps listed on the How to Shepardize Table of Contents. These include: **Interpreting the Citations Information You Find, Shepardizing Statutes, Update Options, Finding Case Names, Shepard's CD-ROM, Shepard's Online, Selecting the Right Citator** and the **Appendices.** *Make sure you complete both the case exercise and the statute letters exercise.* If you have any questions about the tutorial, email them to Shepards' by clicking on the heading **Contact Shepard's for more information.**

OBJECTIVE 20: Become familiar with the resources located in a standard law library collection.

Go to the Heiros Gamos homepage located at **http://www.hghome.html.** Click on the publisher's box. Your screen will look like the one below:



You will see on the screen six different sources of legal materials. Choose **1. General** You will retrieve a list of legal publishers. Print the list. Compose a letter that you will send to several publishers requesting information on their books. After you review the letter with your instructor, send the letters in the mail. Keep copies of your letters for future reference. If you like, go into the other directories (such as loose-leaf services) and request information from some of these vendors also.

Go to **http://www.hg.org/pub_print.html#p_two**. Go to the bottom of the screen and click on **PART ONE** which will allow you to search for publications in your area of interest.

Under **Type of publication** click on **Book.** Under **Category** click on **Criminal Law**

Question 1. What is the title and author's name for the first criminal law book listing you retrieve?

Next, change the type of publication to a **Journal** and change the category to **Wills**.

Question 2. What is the title and who is the author for the first journal listing on Wills you retrieve?
Question 3. What is the difference between a legal book and a legal journal?

OBJECTIVE 21: Through work experience as a legal assistant trainee, learn how to use basic legal research techniques to solve a client's problem.

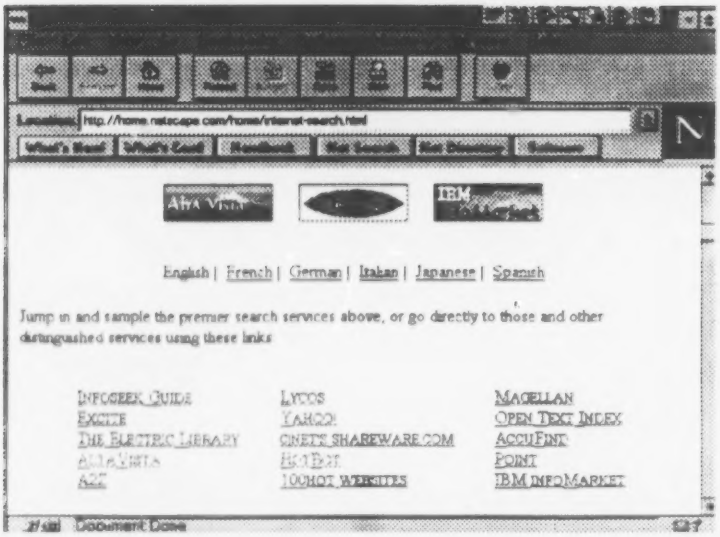
Although you will not be completing this exercise while working in a law office, you will find that you can research many legal problems through the Internet. One of the most common ways to complete legal research is to use the Internet search engines. These search engines are programs that search sites on the Internet for words you ask it to search. For an overview on searching on the Internet, go to **http://www.umich.edu/~icle** and click on the button for **Technology Resources**. Then go to **Searching the Web.** You will retrieve the following headings:

Introduction
What is a search engine?
How many Internet documents are actually searched?
What are the limitations of search engines?
Search tips
How can I find people on the Internet?
Major search engines
Web Sites with Multiple Search Engines

Read each of these items and take notes. Answer the following questions:

Question 1. What is a search engine?
Question 2. How many Internet documents are actually searched?
Question 3. What are the limitations of search engines?
Question 4. What are the names of the major search engines?

Next, we'll do some searching. Click on the **Net Search** button, and you will retrieve a listing of Internet search engines. (If you are not using Netscape, you'll have to type in the addresses for the search engine. You can get the addresses from the article you have just read.) Go down to the bottom of the screen. It should look similar to the one below:



Click on the **AltaVista** search engine. In the search box type **"student rights"** (with the quotation marks) and then submit your request. The AltaVista program will look for the term **student rights** and retrieve a list of sites that contain that phrase.

When you retrieve your list, go through the first 25 sites and try to locate a university listing that deals with student rights and student records. Read that section.

Question 5. Based on your reading what do you think are your rights to your student records?

Now, go back to the Net Search box and run the same search with **Excite**

Question 6. Can you identify any differences with your search results? Describe them

You should see some differences with your search results. Each search engine works with a different program so you will retrieve different results. That's why its a good idea to run the same search with 2 or 3 search engines.

Now let's run another search to locate any documents that discuss drug testing high school athletes. Since **drug testing** is a phrase we will place quotation marks around our search terms. Most search engines will search words in quotation marks (" ") as a phrase and by using them we will receive more accurate search results. **High school** is also a phrase so we would also want to put quotation marks around these words, too. To connect our words and phrases, we can use the ampersand (&). A possible Internet search for this problems could then be **"drug testing" & "high school."**

Go to your search box on Netscape and choose **Yahoo.** Your screen should look like this.

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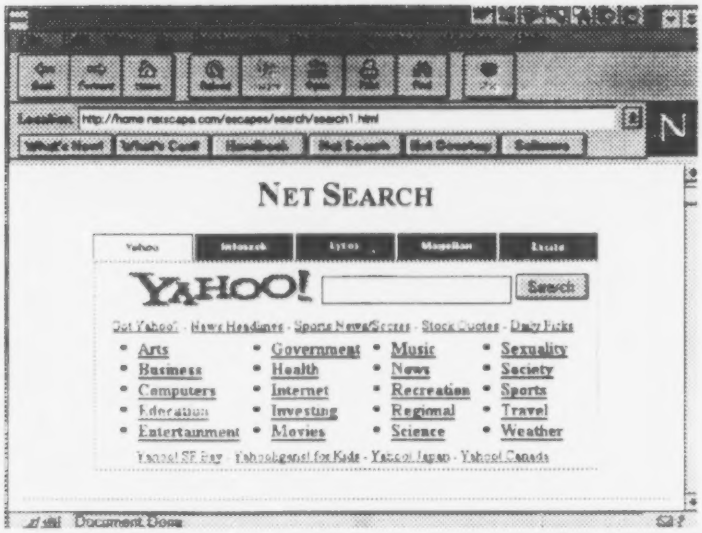

Type in your search **"high school" & "drug testing"** and click on **search.** You may not realize it, but Yahoo is different than the other search engine you used. While a search engines searches for your words by checking all the Internet addresses in its database, Yahoo is really a search directory that works like a dictionary or an encyclopedia (with pre-determined topics)

Question 7. Did you locate any articles that discuss your topic? List the title and address below for any that discuss this issue.

You will complete one more search. We are going to search the United States Code for any federal laws that discuss child support. One of the best sites for federal laws is the United States House of Representatives Internet Law Library. It is located at **http://law.house.gov/uscexpl.htm.** Go to this site

The screen you retrieve will provide a brief explanation of the code. Print the screen

Question 8: How is the code divided?
Question 9: Who compiles and publishes the Code?
Question 10: List the first 10 subjects contained in the United States Code in numerical order.

Go down to screen and read the entries for **Would You Like Help?** Click on **An easy way to limit your search to a particular title, section, or similar subdivision.** The screen you retrieve will look like the one on the next page

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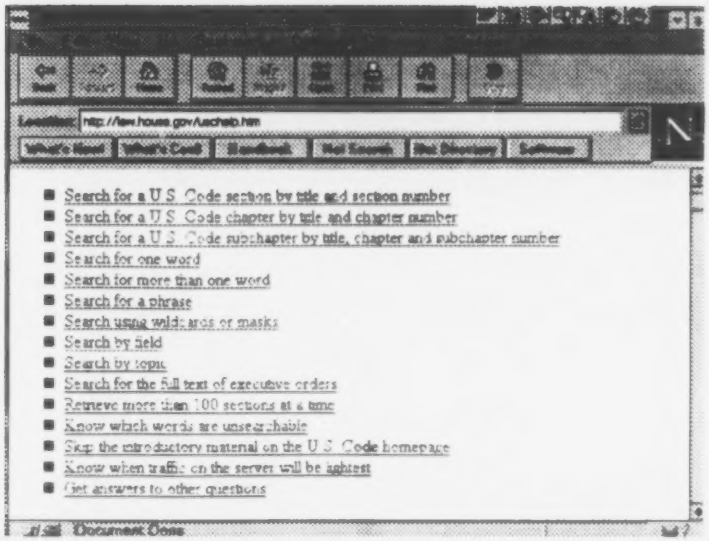

Search for a U.S. Code section by title and section number
Search for a U.S. Code chapter by title and chapter number
Search for a U.S. Code subchapter by title, chapter and subchapter number
Search for one word
Search for more than one word
Search for a phrase
Search using wildcards or masks
Search by field
Search by topic
Search for the full text of executive orders
Retrieve more than 100 sections at a time
Know which words are unsearchable
Skip the introductory material on the U.S. Code homepage
Know when traffic on the server will be lightest
Get answers to other questions
Document Done

Since we will be searching for the term "child support," you will want to read the search tips for this type of search.

Question 11: Which heading would you look under to complete this search?

Click on that heading. Type in your search words and click on the **search** button.

You will receive a listing of code sections that meets your search request. Go to the first code section and click on the title number. To locate the exact location of your search terms, click on the **Edit** menu. Then click on the **Find** menu. Type in your search words and click on **Find next**. Do this until you have completed browsing through your document. Print this code section and highlight your search terms for your instructor.

Question 12. What is (are) the name(s) of the law(s) that you located?

OBJECTIVE 23. Use the proper format and appropriate content in drafting client correspondence and legal documents.

A. When you draft documents and compose letters in a law office, your spelling skills will be very important. To test your spelling skills, let's go to **http://www.sentex.net/~mmcadams/spelling.html.** Complete the spelling test. For each word you misspelled, use the word in a sentence. If you are not certain of the meaning of a word, use your legal dictionary.

B. Grammar skills are also a key to success as a legal assistant. Go to the home page located at **http://ucsu.colorado.edu/~giaquint/grules.htm.** The top of your screen will read **The Rules**. This screen lists 11 important rules of grammar. Read each of the rules and look at both the correct and incorrect examples.

BEST COPY AVAILABLE

Question 1: For each of the rules, write the rule and a sentence correctly following the grammar rule.

C. When you work in a law firm, legal department or government office, there will be many procedures for you to follow. In most cases, these offices will have a manual that shows the format to follow for routine correspondence and commonly used legal documents. If a style manual is not available, then you may want to look at similar documents in the office for the proper format to follow. In any case, it is valuable to have your own set of forms to use as samples.

If you have not worked much with forms, you may want to complete the forms exercises for the Legal Office Specialist. This will give you experience completing a variety of forms.

For our exercise we will be retrieving forms software from the Internet. Most software online is available free of charge; others may charge a small licensing fee. In any case, the site at the "Lectric Law Library" has legal software available. Much of this software is found in a "zipped" file. This means the file is compressed and once you retrieve it you will have to "unzip" it. There are also programs available on the Internet to "unzip" your files. One of these is PKUNZIP which is also available at the "Lectric Law Library site. Some files may have self-executing compressed files, and they will not require the use of PKUNZIP.

To begin this process, go to **http://www.lectlaw.com/book2.htm**. This will take you to the **Legal Software** page. Before you begin, read the **General Information** about licensing and copyright restrictions carefully. In addition, if you have not "unzipped" a file before, you should read and print the **FAQ's About Zipped Files**. Next to the **FAQ's**, will be a copy of **PKUNZIP** software you can download now if you do not have a copy available.

Go down the page. You will see the following main headings:

Law Office Management
General Legal Programs
Legal Education & Information
Forms & Letters
Business - Law & Misc

Go into **Forms & Letters**. Download **PC-FORMS** by clicking on it. The computer will ask you if you would like to save the program as **pcforms.zip** in the directory of your choice. (It is better if your file is in the same directory as your PKUNZIP program). It will take a few minutes to save the file. Sign off the Internet and unzip your file by following the instructions with PKUNZIP. Next, read and print the instructions with pcforms.txt. Review these materials with your instructor. Continue with the installation with your instructor's approval and print copies of all the forms for your records.

OBJECTIVE 24. Gain access to information that is commonly kept by government agencies.

Whenever a private citizen would like to receive copies of materials kept by government agencies, they can request that information under a law called the "Freedom of Information Act." Both the state of Michigan and the United States government have a FOIA law.

To learn more about FOIA go to **http://www.eff.org/pub/Activisim/FOIA/.** Then go down to **foia.kit**. Click on that file. It will contain a sample letter that you can use to send a request to a federal agency. Read the instructions on FOIA and then complete a sample letter for yourself. Send it to the United States Customs Service requesting the number of vehicles that were searched for suspected contraband during 1996 at the Port Huron, Michigan and Sarnia, Ontario bridge crossing. Addresses for the United States Customs Services and other federal agencies are listed at the end of the **foia.kit** file.

Another site to visit is **http://www.parascope.com/foia.html**. This site will automatically complete a federal agency request for you and generate your FOIA letter. Go to this address and go down to **FOIA-matic request generator.** Change the agency name to **United States Customs Service** and fill in the blanks to request the same information as above. When you are done you can click on **generate request** and print the final product for your records.

One other site is **http://www.epa.gov/region4/foiapgs/resource.html**. At this site you have available a **Step-by Step Guide to Using FOIA**. If you would like more additional information on FOIA, go to this address and read and print the guide as necessary.

OBJECTIVE 25. Prepare releases and requests to gain access to medical and corporate records. (Omitted)

OBJECTIVES:
26. Understand the major functions the law serves in modern society.
27. Explain the general structure of the US legal system at the federal, state and local levels.
28. Understand the detailed structure of the State and local courts in Michigan
29. Know the differences in function and procedure among trial courts, appellate courts and administrative hearings.
30. Know the various functions performed by the various officials involved in the court system.
31. Know the basic difference between civil and criminal procedure.

Go to **http://www.westpub.com/.** Click on **On-line Services**. Then go down and click on **West's Legal News**. Here you will retrieve a listing of news stories highlighting "hot" legal issues. Browse through the list and pick a story that interests you. To read a story

click on **full story.** After you read a story write a one page paragraph summarizing the article.

Go to the Court TV site located at **http://www.courttv.com/teens/library/.** You will retrieve a directory of legal information that teens will find helpful. Go to **The Court TV Cradle to Grave Legal Survival Guide**. Read **The Law: What It Is and Where It Comes From** and **How the Courts are Structured.**

Question 1. Write down ten short answer questions for each of these articles that could be included on a test.

Go back to this page. Click on **You and the Law**. What types of rights do teens have at school?

Question 2. List at least five below.

Go back to this page. Our courts are broken down into federal Courts and state Courts. In the Federal Court system the top court is the United States Supreme Court. In this Court the judges are called Justices. Underneath this court is the United States Court of Appeals. This Court is broken down into geographical Circuits. Michigan is in the 6th Circuit. The lowest federal Court is the United States District Court. Each State has at least one District Court. In Michigan we have two District Courts: the Eastern District of Michigan (based in Detroit) and the Western District of Michigan (based in Grand Rapids)

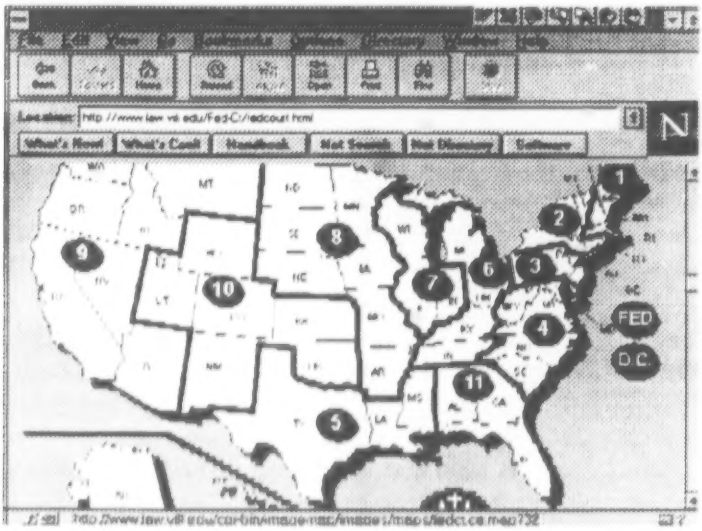
To review the federal courts, we have several sources available. First go to the Laypeople's Law Lounge in the "Lectric Law Library" located at **http://www.lectlaw.com/lay.html**. Go down to the **Miscellaneous Material** heading. Under this heading will be a file called **Understanding Federal Courts**. This file is a zipped file. Click on it and load it into the directory where you have loaded PKUNZIP.

Continue down the directory on this page and go to the listing called **The Court System-How It Works-What It Means**. This is also a zipped file. Click on it and save it in the directory where you have loaded PKUNZIP. Also save to disk **About Small Claims Court.**

We will open these later when we go off line. Next go to **http://www.law.cornell.edu/supct/context.html** to locate specific information about the United States Supreme Court. Nine Justices sit on the Court. To see their picture and biographical information click on **Gallery of the Justices.**

Question 3. What are the names of the Justices?
Question 4. Where does the authority of the US Supreme Court come from?
Question 5. What does Article III say?

For information on the lower federal courts go to the federal court locator located at **http//www.law.vill.edu/Fed-Ct/fedcourt.html.** This will retrieve a map of the United States similar to the one below.



Click on the picture for Michigan.

Question 6. What did you retrieve?
Question 7. What states are in the 6th Circuit?
Question 8. What is the difference between the Court of Appeals and the District Court?

Michigan Courts have a similar structure to the Federal Courts. Our highest Court is the Michigan Supreme Court. Our next court is the Michigan Court of Appeals and our main trial court is the Circuit Court based on county boundaries.

Go to **http://www.lib.umich.edu/libhome/Documents.center/michlaw.html#adrules.** At this site you will retrieve information on the Michigan Government and the Michigan Court system.

First, go down the page to **Constitution.** Click on it. Read the introduction information on our Constitution.

Question 9. What year was our Constitution enacted? How many times has it been amended?

Go down to **Article VIII - Education**. Click on it. One section of this Article deals with "free public elementary and secondary schools" for Michigan citizens.

Question 10. Summarize this section in your own words.

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Go back to the main menu page. Go down to **Laws.** Here you have available a listing of Michigan laws. Underneath this is a heading for **Regulations** which are rules that state agencies must follow. The next listing is the **Judicial Branch.** Under this heading go to the **Supreme Court Directory.** Click on this topic.

Question 11. What are the names of the current Michigan Supreme Court Justices?

Continue looking through the Judicial Branch listing.

Question 12. Are there County (Circuit) courts on this list? If so, list the name(s).
Question 13. Is there anything available that describes the difference between civil and criminal cases? Describe the differences.

Go off line and unzip your files from the beginning of this exercise. Read each of the articles. Write a 1-2 page outline on our Court system based on the articles you read.

OBJECTIVES:
32. Learn the various types of practice arrangements lawyers use for the delivery of legal services to the general public and the indigent as well as in corporations and government agencies.
33. Learn the functions performed by the various people typically working in a law office.
34. Learn the organizational structure and the administrative procedures that are commonly used in law offices.

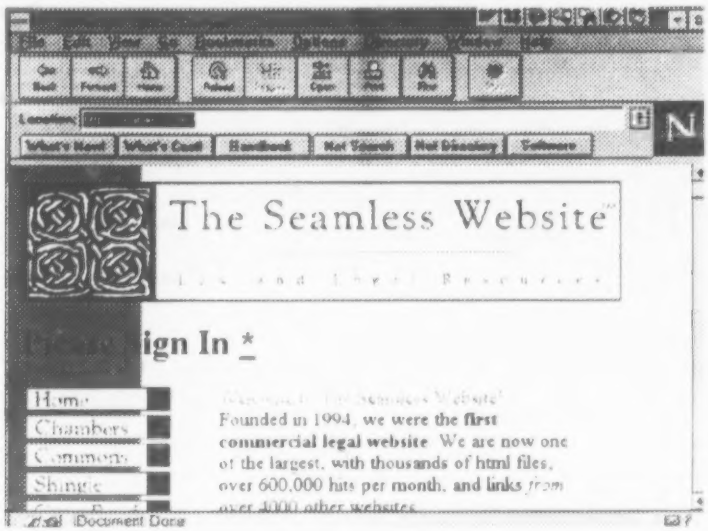
Lawyers can practice law in many different places. Traditionally, lawyers have worked in a law practice, a corporate legal department or with a governmental agency.

In a law practice, some lawyers work by themselves. This is called a solo practice. Others group together and form a law firm. These firms can be small with 2-4 attorneys or they can be very large with 100+ attorneys.

In larger firms there is usually a hierarchical structure of command. Partners are at the top of the hierarchy. They are experienced lawyers who share in the profits of the firm. Associates are usually younger lawyers who work for partners. Typically they are paid a salary and perhaps a percentage of work they bring into the law firm. Larger firms will also employ legal assistants (or paralegals) and other legal support staff such as legal secretaries. The support staff typically is managed by a legal administrator. In most cases this legal administrator is not a lawyer although it is possible. In smaller law offices you may have an office manager that performs many of these functions or one of the lawyers may handle the administrative tasks.

In a corporate legal department there is also a hierarchical structure. The corporate counsel in the top legal advisor. The attorneys working for the corporate counsel may have a variety of names including associate counsel. There will also be a support staff for the corporate legal department and depending on its size, a legal administrator.

Let's go to **The Seamless Website** to learn more about lawyers and how law firms operate. Go to **http://seamless.com**. Your screen will look like the one below. Click on **The Commons.** Go down to **Law Practice Management**. Next, click on the **Law Practice Management Page.**


The Seamless Website
ign In *
Home
Chambers
Commons
Shingle
Founded in 1994, we were the first commercial legal website. We are now one of the largest, with thousands of html files, over 600,000 hits per month, and links from
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Sign the **Guest Book** with your name. Then go back and click on **Practice Management.** Choose the article **Building a Successful Law Practice.** Read and print the article.

1. **List below 5-10 factors that help build a successful law practice. Explain why you feel they are important.**

OBJECTIVES:

2: Apply principles of professional ethics to specific fact situations.

35. Understand the factors which lead attorneys to employ paralegals/legal assistants

36. Know types of duties paralegal/legal assistants perform working in various areas of the law.

37. Learn the definitions that are most commonly used for the following terms: paralegal, legal assistant, independent paralegal, legal technician, freelance paralegal, certification, registration and licensure.

38. Understand the ethical responsibilities that have been established by statutes, court decisions and court rules affecting paralegals/legal assistants and lawyers.

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39. Understand the nature of the supervision that must be present in order to avoid situations that constitute the unauthorized practice of law.

Go to the home page for Hieros Gamos located at **http://www.hg.org.** Locate the screen that deals with professional organizations. Go down to legal assistant/paralegal. Print the screen that has the addresses for LAMA, NALA and NFPA.

Question 1: What do these acronyms stand for?

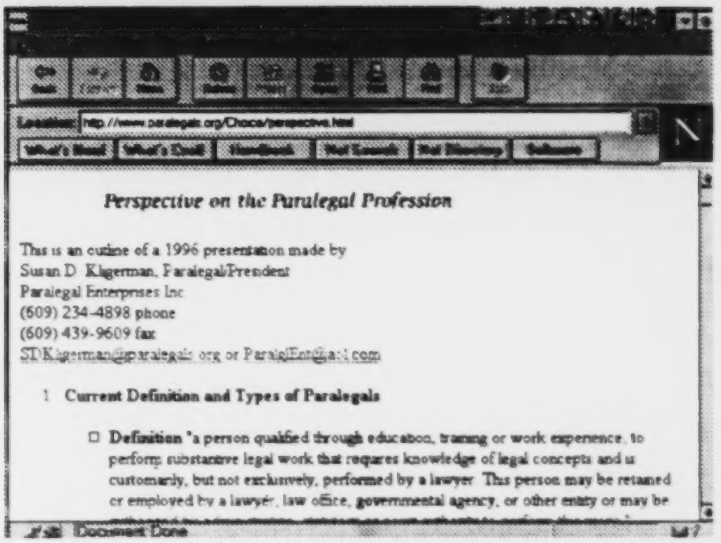
Draft a letter and send it to each professional organization requesting membership information.

Next, go to **http://www.wuacc.edu/sas/parlegal/textver.html**. Go down to **Frequently Asked Questions about Legal Assistants/Paralegals.** Read the section and print it.

Question 2: What is NALA? What is NFPA?
Question 3: How does each organization define a paralegal? How are the definitions similar? How are they different?

For a more complete overview of the paralegal profession, go to **http://www.paralegals.org/Choice/perspective.html.** Your screen should look similar to the one on the next page. Read and print this article for future reference. This is an excellent article that provides a comprehensive overview of the legal assistant job.

Question 4: Define the following terms: certification, registration, licensure and regulation.
Question 5: Explain the ABA approval process for paralegal education programs.
Question 6: Explain how paralegal education has evolved from the 1960's to today.



Perspective on the Paralegal Profession

This is an outline of a 1996 presentation made by
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1. **Current Definition and Types of Paralegals**

   - **Definition** "a person qualified through education, training or work experience, to perform substantive legal work that requires knowledge of legal concepts and is customarily, but not exclusively, performed by a lawyer. This person may be retained or employed by a lawyer, law office, governmental agency, or other entity or may be

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Go back to **Legal Assistant/Paralegal Organizations.** Click on the site for **NALA**. Take notes. Go back and click on the site for **NFPA**. Again, take notes.

Both NFPA and NALA have professional exams. NFPA supports the PACE exam and NALA supports the CLA exam.

Question 7. Describe each of the exams. What is the purpose of each exam?

Both professional organizations also have a set of ethical standards for their members. Go back into the directory and locate the standards for NFPA and NALA. Print the standards.

Question 8. Summarize them below in a list.
Question 9. Also, based on your reading of the standards, what type of supervision do you think is necessary of a paralegal.

Also, go to **http://www.globalx.net/ocd/directions/4211.html.** This will take you to a job description written by Career Directions. Print the description.

Question 10. Based on the description, what kinds of skills do you think a person needs to be a legal assistant?
Question 11. Based on your own personal assessment of strengths and weaknesses, do you think you could be successful in this field? Why or why not?

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INSTRUCTOR MANUAL

INTERNET MODULES

Job Title: LEGAL ASSISTANT

The Instructor Manual includes instructions on these modules and suggested answers to the student activities. Instructors need to be aware of the fact, however, that addresses and materials on the Internet constantly change. Every attempt has been made to point students to well-known and established sites to avoid this problem. Also note, even though it would be useful to have copies of certain Internet materials included in the instructor manual, they have been intentionally excluded to avoid any question of copyright issues.

OBJECTIVES:
1. Analyze a problem by identifying and evaluating alternative solutions.
3. Identify factual omissions and inconsistencies.

1. Analysis, reasoning, interpretation and evaluation
2. The four types of reasoning are: example reasoning, sign reasoning, comparative reasoning and casual reasoning.
3. Student answers will vary why they think critical thinking skills are important. Any type of medical career such as a physician or a nurse would be an appropriate answer.
4. Answers will vary. You should have the student provide you with a copy of the critical thinking skills exercise so you will be able to answer any questions the student might have.
5. Puzzle 1: "Since the dog was following every move he made, Shadow began circling the tree, with the dog right behind him. After several revolutions the chain became shorter, and consequently, the dog no longer had access to both car doors."

Puzzle 2: "40 degrees Fahrenheit. At 20 degrees the water would be ice."
Puzzle 3: "The word **short.**"
Puzzle 4: "Captain Frank is completely bald."
Puzzle 5: "The nail would be at the same height since trees grow at their tops."

There is an excellent Internet site located at **http://www.sonoma.edu /Cthink/definect.html** that can provide educator's with an overview of critical thinking skills.

OBJECTIVES 4-7 dealing with Organization Skills, OBJECTIVES 8-11 dealing with General Communication Skills and OBJECTIVES 12-17 dealing with Interpersonal Skills are intentionally omitted. These are skills that need to be nurtured in a classroom environment rather than in solitary activities.

OBJECTIVES:

19. Learn the proper citation format for citing legal sources.

22. Use appropriate citations for sources.

1. A legal citation is standard language that allows one lawyer to refer to legal authorities in a specific format so other lawyers and judges can locate the same references.
2. 490 U.S. 730 means that this case is a United States Supreme Court case located in volume 490 of the United States Reporter on page 730.
3. The core of a case citation consists of the names of the parties (underlined and with a vs. between the names), the volume number, the name and page number from the reporter and the date of the decision. Example: Monroe vs. Greene, 495 U.S. 349 (1992).
4. A federal statute is cited with the title number, the letters U.S.C. (for United States Code) and the page number. Example: 12 U.S.C. 320.

OBJECTIVE:

18. Learn to "cite check" legal sources

1. Frank Shepard is the inventor of Shepards.
2. He was a salesman for the Chicago law publishing firm of E.B. Myers & Co.
3. Precedent means that a lawyer must find other printed (reported) cases where a court has made a decision about a case involving facts similar to those of his client. Once a similar case is located, a lawyer needed to finds out if the courts have made any new decisions that would have an impact on this case. If there are not any new cases, the case is "good" law and it can be used as precedent for the court to follow when it rules on the client's problem.
4. Shepard used gummed slips
5. Justice Holmes said "I regard Shepard's (" ...") as the most thorough labor-saving device that has ever been brought to my attention. No one owning a set of reports can afford to be without it. I shall be pleased to have you refer anyone to me."
6. Kathan worked with a book form. All later cases which referred to an earlier case were listed by volume and page number in columns under the volume and page number of the earlier cited case. Kathan had the books bound in red leather with gold imprint on the cover with the label "Shepard."
7. The process of using the "Shepard's" books is known as Shepardizing.
8. Shepard's is available in print, online and on CD-ROM.
9. 1) Select the Shepard's citator set that corresponds to the reporter in which your case is published.

   2) Check the "What Your Library Should Contain" section on the cover of the most recent Shepard's supplement and collect all the bound volumes and supplements listed.

   3) Find the division in the most recent Shepard's supplement that matches the reporter and series in which your case was published.

4) Look in that division for the appropriate volume and beginning page number of your case. Shepard's shows volume numbers across the tops of the pages, and both volume and page numbers within the columns.

5) Listed beneath the beginning page number of your case will be citations to cases that have cited your case. IMPORTANT! You must look up your case and repeat this process in every book you collected in step 2. Make a list of all citations relevant to your research. Start from the most current supplement and work backward until you have Shepardized your case in all the listed supplements and bound volumes. Be methodical, and be sure not to miss a supplement!

For more information on any Shepard's products, to obtain copies of the Internet tutorial in booklet form, on diskette or in another electronic format, you can call Shepard's Customer Service at 1-800-899-6000.

In addition, a listing of Michigan libraries with law related collections is listed in the Appendix. It is recommended that students actually work with the Shepard's books to better understand the Shepard's process.

OBJECTIVE:
20. Become familiar with the resources located in a standard law library collection.

Answers to the student questions will change as materials in the Internet are updated and changed.

OBJECTIVE:
21. Through work experience as a legal assistant trainee, learn how to use basic legal research techniques to solve a client's problem.

1. A search engine typically is a program that routinely searches for and indexes hundreds of thousands of Web pages.
2. The number of Web pages handled by each search engine is difficult to determine -- some have searched thousands of Web pages while others claim to have searched several million.
3. Search engines retrieve the titles of documents meeting your search request. They do not show you where in the documents the keywords are found.
4. Some of the major search engines are HotBot, Lycos, AltaVista, Excite, OpenText, WebCrawler, InfoSeek Guide.
5. One site that deals with student rights to their records is located at the University of Michigan at **http://www.umd.umich.edu/univ/geninfo/rtsandrecords.html**. This article indicates that students have the right to inspect and review all material in their University files. There are some exceptions, however, such as professional mental health records, financial information furnished by a student's parents, confidential letters of recommendation placed in the file prior to 1/1/75, confidential letters of recommendation

concerning admission, employment or honorary recognition (where the student has signed a waiver of access), personal notes made by a faculty member or counselor to be used only by that person and not to be shared with others, and materials in any admissions file unless you are an admitted and enrolled student.

6. Search results will probably be more complete with AltaVista or HotBot; the display of the search results will also look different.

7. Student answers will vary as materials on the Internet are updated. However, an example of one answer to the drug testing search is "Drug testing for high school athletes?" located at **http://www-scf.usc.edu/~mweaver/page/vol45/iss3/sports/drug.henderson.takata.sports.25.3.45.html.**

8. The Code is divided into 50 titles by subject matter. Each title is divided into sections. Sections within a title may be grouped together as subtitles, chapters, subchapters, parts, subparts, or divisions. Titles may also have appendices which may be divided into sections.

9. The Code is compiled and published by the Office of the Law Revision Counsel of the United States House of Representatives.

10.
1. General Provisions
2. The Congress
3. The President
4. Flag and Seal, Seat of Government, and the States
5. Government Organization and Employees
6. Surety Bonds (repealed by the enactment of Title 31)
7. Agriculture
8. Aliens and Nationality
9. Arbitration
10. Armed Forces

11. Either **search for more than one word** or **search for a phrase** would be appropriate answers.

12. Answers will vary as the code is updated.

OBJECTIVE:

23. Use the proper format and appropriate content in drafting client correspondence and legal documents.

Student answers will vary. Have the student print the rules of grammar to facilitate grading.

OBJECTIVE:

24. Gain access to information that is commonly kept by government agencies.

Instructors will want to review the FOIA requests drafted by the students prior to mailing. Students should be encouraged to submit their FOIA requests to the appropriate agency so they can report back to the class the response they receive to their request.

Although there is not an Internet exercise for the state and local requests, there is a similar FOIA law on the state level.

OBJECTIVE:

25. Prepare releases and requests to gain access to medical and corporate records. (Omitted)

OBJECTIVES:

26. Understand the major functions the law serves in modern society.

27. Explain the general structure of the US legal system at the federal, state and local levels.

28. Understand the detailed structure of the State and local courts in Michigan

29. Know the differences in function and procedure among trial courts, appellate courts and administrative hearings.

30. Know the various functions performed by the various officials involved in the court system.

31. Know the basic difference between civil and criminal procedure.

1. Answers will vary.
2. Possible answers include:

* Private and parochial schools can impose dress and hair codes on students. The rules for public school students are not yet settled.

* Under limited circumstances the principal or other official of a public school is allowed to search a student's purse or backpack. Courts are not settled what standards apply to searches of school lockers at public institutions. Searches can be conducted at private and parochial schools unless the school is conducting the search "on behalf" of the government.

* Public school students have a right to free expression; however, school officials have the right to impose reasonable restrictions.

* Public school students are not required to say the Pledge of Allegiance.

* Praying and other religious activities are not allowed in public schools.

* In certain circumstances a public school coach can refuse to allow a girl to try out for a sports team (basically with contact sports.)

3. Justices Ginsburg, Souter, Thomas, Breyer, Scalia, Stevens, Rehnquist, O'Connor and Kennedy (through the 95-96 term)
4. Article III of the United States Constitution
5. Article III provides for the powers of the federal courts. It also discusses treason against the United States.
6. You receive information on the sixth Circuit Court of Appeals.
7. Michigan, Ohio, Kentucky and Tennessee are in the sixth Circuit.

8. Students may have a difficult time locating an answer to this question. The District is the lowest federal court. It is equivalent to a trial court on the state level.
9. The citizens of Michigan have adopted four constitutions: 1835, 1850, 1908 and 1963. Each document was the product of a convention composed of delegates elected to draft a proposed constitution for submission to the voters. The last constitution became effective on January 1, 1964 and it has been amended 17 times.
10. Basically this section declares that the State must provide a free public elementary and secondary education for Michigan children.
11. The current Chief Justice is Conrad L. Mallett, Jr. Remaining Justices include Boyle, Brickley, Cavanaugh, Riley, and Weaver (through the 1996 term).
12. Answers will vary; however, Washtenaw county is a possible answer.
13. Civil cases involve a controversy between two or more private parties. A criminal case involves a controversy where one party represents the government.

OBJECTIVES:
32. Learn the various types of practice arrangements lawyers use for the delivery of legal services to the general public and the indigent as well as in corporations and government agencies.
33 Learn the functions performed by the various people typically working in an a law office.
34. Learn the organizational structure and the administrative procedures that are commonly used in law offices.

1. Answers will vary.

OBJECTIVES:
2. Apply principles of professional ethics to specific fact situations.
35. Understand the factors which lead attorneys to employ paralegals/legal assistants
36. Know types of duties paralegal/legal assistants perform working in various areas of the law.
37. Learn the definitions that are most commonly used for the following terms: paralegal, legal assistant, independent paralegal, legal technician, freelance paralegal, certification, registration and licensure.
38. Understand the ethical responsibilities that have been established by statutes, court decisions and court rules affecting paralegals/legal assistants and lawyers.
39. Understand the nature of the supervision that must be present in order to avoid situations that constitute the unauthorized practice of law.

The major legal assistant professional organizations are

- Legal Assistant Management Association (LAMA), 638 Prospect Avenue, Hartford, CT, 06105-4298, USA. Tel (203) 586-7507, Fax (203) 586-7550. Internet address is **http://www.grover.paralegals.org/TextOnly/Membership/AlliedAssns/lamabckgrd.html.**

- National Association of Legal Assistants, 1516 South Boston, Suite 200, Tulsa, OK, 74119-4013, USA, Tel: (918) 587-6828, Fax: (918) 582-6772. Their Internet address is **http://nala.org**.
- National Federation of Paralegal Associations, P. O. Box 33108, Kansas City, Missouri, 64114, USA, Tel: (816) 941-4000, Fax: (816) 941-2725. Their Internet address is **http://www.paralegal.org**.

There is also available an association for paralegal educators. The Association for Paralegal Education (AAfPE) is located at **http://www.chattanooga.net/clscc/aafpe/aafpe.htm**. Their address is P.O. Box 40244, Overland Park, KS 66204. Their telephone number is 913-381-4458.

2. "National Federation of Paralegal Associations (NFPA): NFPA is a non-profit professional organization made up of state and local paralegal associations throughout the United States and Canada. Founded in 1974, NFPA is a federation of 60 member associations with over 17,500 individual members." For more information regarding NFPA, its history and the definitions of a paralegal, see "NFPA - The Paralegal's Partner in Progress" brochure. NFPA has had a national voice for members of the paralegal profession for over 21 years."

"National Association of Legal Assistants (NALA): an organization founded in 1975 made up of individual members and affiliated associations (requiring only one member of the affiliated association) located primarily in the south and southwestern portions of the nation."

3. Basically both organizations define a legal assistant and a paralegal as synonomous definitions "as a person qualified through education, training or work experience, to perform substantive legal work that requires knowledge of legal concepts and is customarily, but not exclusively, performed by a lawyer. This person may be retained or employed by a lawyer, law office, governmental agency, or other entity or may be authorized by administrative, statutory or court authority to perform this work."

4. Regulation - "a generic term that encompasses all processes granting authority for recognition to an individual or institution."

Registration - "the process by which individuals or institutions list their names with an association or agency. Registration may be voluntary or mandatory. There are usually no educational or training requirements, although references or bonding requirements are sometimes necessary."

Licensure - "the process by which an agency or branch of government grants permission to persons meeting predetermined qualifications to engage in a given occupation and/or use a particular title or grants permission to institutions to perform specified functions."

Certification - "a voluntary process by which a nongovernmental agency or association grants recognition to an individual who has met certain predetermined qualifications specified by that agency or association. Such qualifications may include graduation from an accredited program, acceptable performance on a qualifying examination or series of examinations, and/or completion of a given amount of work experience."

5. The American Bar Association (ABA) process is a voluntary approval process for paralegal programs.
6. In the 60's training was typically done in-house for experienced legal secretaries; in the 70's to the 90's degreed training programs have been developed beginning with certificate programs culminating with post-baccalaureate programs. In the 90's there is also an emergence of paralegal related masters degree programs.
7. NFPA offers a proficiency exam called the Paralegal Advanced Competency Exam (PACE). NALA offers the Certified Legal Assistant Exam (CLA). NFPA promotes regulation while NALA does not.
8. Currently there is not any legally binding government authority regulating paralegals, however, most states have laws dealing with the unauthorized practice of law which covers legal assistants. This means paralegals cannot negotiate or accept fees; they cannot represent a client in a court or other formal proceeding unless administratively or statutorily authorized to do so; they cannot sign court or legal documents; and they cannot give legal advice.
9. "A lawyer who has direct supervisory authority over a paralegal must make reasonable efforts to ensure that the paralegal's conduct is compatible with the professional obligations of the lawyer."
10. Answers will vary but they should include the following: attention to detail, the ability to handle stress, good verbal and written communication skills and strong organization skills.
11. Answers will vary.

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APPENDIX

LISTING OF MICHIGAN ABA APPROVED LEGAL ASSISTANT PROGRAMS*

Davenport Business College	Grand Rapids, MI
Davenport Business College	Kalamazoo, MI
Eastern Michigan University	Ypsilanti, MI
Ferris State University	Big Rapids, MI
Kellogg Community College	Battle Creek, MI
Lansing Community College	Lansing, MI
Macomb Community College	Warren, MI
Madonna University	Livonia, MI
Oakland Community College	Farmington Hills, MI
Oakland University	Rochester, MI
University of Detroit-Mercy	Detroit, MI

* As of October 1, 1996

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